

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1729

**Introduced by Committee on Water, Parks and Wildlife (Wolk
(Chair), Maze (Vice Chair), Caballero, Huffman, Lieu, Mullin,
Nava, and Salas)**

March 13, 2007

An act to amend Sections 18, 62, 331, 332, 396, 711.2, 856, 1001, 1011, 1050.1, 1052, 1052.5, 1053.5, 1054, 1054.2, 1054.8, ~~1061~~, 1124, 2001, 2005, 2006, 2011, 2012, 2016, 2019, 2106, 2115, 2120, 2121, 2127, 2150.3, 2150.4, 2186, 2187, 2189, 2192, 2345, 2346, 2347, 2348, 2349, 2353, 2362, 2535, 3001, 3003.5, 3004, 3007, 3031.2, 3050, 3051, 3054, 3080, 3087, 3242, 3500, ~~3680~~, 3683, 3801, 3801.6, 3803, 4000, 4005, 4012, 4152, 4180, 4181.1, 4181.5, 4186, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 4904, 5514, 5650, 5652, 6301, 7145, 7147, 7149.2, 7149.4, 7149.45, 7153, 7180, 7852.27, 8022, 8030, ~~8250.5, 8284, 8372, 8383~~ 8051.4, 8250.5, 8284, 8372, 8573, 8576, 8597, 8598, 8632, 8681, 10500, 10506, 11032, 12000, 12001.5, 12002, 12002.1, and 12013 of, to add Sections 19, 89.1, 12002.11, and 12002.2.1 to, to repeal Sections 397, 2150.5, 3005.9, 3005.91, 3005.92, 3005.93, 3005.94, 3055, 3055.1, 3304, ~~3680~~, 4001, 4181.2, 5020, ~~and 5502 5502~~, ~~and 8383~~ of, and to repeal and add Section 12157.5 of, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1729, as amended, Committee on Water, Parks and Wildlife. Fish and wildlife.

(1) Existing law requires each person that takes birds or mammals in California to apply for, and be granted, a hunting license. Existing law authorizes specified persons to obtain tags or stamps for the taking of specific animals or aquatic species, if certain requirements are met. Existing law imposes specific requirements for the proper completion of a tag.

This bill would remove references to a “license tag” or “license stamp” and, instead, would refer only to a “tag” or “stamp.” This bill would revise existing tag completion provisions for deer, wild pigs, and bear.

(2) Existing law establishes the license year for a falconry license as commencing on March 1 and ending on the last day of February of the next succeeding calendar year. Existing law imposes a fee for permits for the importation, exportation, or intrastate transfer of a bird-of-prey.

This bill would modify that year to commence July 1, and end on the last day of June. The bill would delete that permit fee.

(3) Existing law establishes in the Resources Agency, the Department of Fish and Game to manage and protect wildlife trust resources. Existing law defines “wildlife” to include all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

This bill would include reptiles in that definition.

(4) Existing law provides that nothing prohibits the department from taking, for scientific or propagation purposes, fish, amphibians, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

This bill would also provide that nothing prohibits the department from such takings for public health or safety purposes, the prevention or relief of suffering, or law enforcement purposes.

(5) Generally, it is unlawful to possess fish, reptiles, or amphibians except during the open season where taken and for 10 days thereafter; and not more than the possession limit of a fish, reptile, or amphibian may be possessed during the period after the close of the open season. It is also generally unlawful to possess game birds or mammals except during the open season where taken. Existing law defines “bag limit” to mean the maximum limit, in number or amount, of birds, mammals, fish, or amphibians that may lawfully be taken by any one person during a specified period of time.

This bill would make it unlawful to take mammals, birds, fish, reptiles, and amphibians outside of established seasons or to exceed any bag limit or possession limit established in this code or by regulations

adopted by the commission. Violation of any established season, bag limit, or possession limit may be charged as a violation of this section or of the specific code section or regulation that establishes the season or limit. The bill would additionally define “possession limit” to mean the maximum, in number or amount of, birds, mammals, fish, reptiles, or amphibians that may be lawfully possessed by one person. The bill would include reptiles in the bag limit definition.

(6) Existing law makes it unlawful to use certain artificial lights to assist in that taking of specified animals.

This bill would make it unlawful to use or possess at any time for such a purpose, any night vision equipment or optical devices that use light amplifying circuits that are electrical or battery powered.

(7) Existing law makes it unlawful to possess a loaded rifle or shotgun in a vehicle or conveyance standing or being driven on or along a public highway or other public way.

This bill would revise that loaded weapon provision to apply to possession of loaded firearms, as described, and would define public highway or other way open to the public for that purpose.

(8) Existing law makes it unlawful to enter, without permission, certain lands marked to forbid trespass with the purpose of discharging a firearm or taking or destroying specified fish or game animals.

This bill would also make it unlawful to enter such lands having in possession certain weapons or other equipment, without regard to purpose.

(9) Existing law includes state and local governmental officials and their agents in a general prohibition against authorizing a bounty for any bird or mammal.

This bill would authorize the commission to adopt regulations to provide an exemption for governmental agencies and public entities on property under their control.

(10) Existing law enumerates specific criteria for the adoption by the commission, on or before January 1, 2007, of regulations to be promulgated with respect to wild animals. The regulations are required to be designed to provide for the welfare of wild animals.

This bill would also require that the regulations be designed to provide for the safety of the public.

(11) Existing law regulates the importation of live nonnative wild animals, including a requirement for a 72-hour holding period for such animals found at large.

This bill would define “nonnative wild animal” and would delete the holding period requirement.

(12) Existing law regulates the importation and transportation of designated dead animals.

This bill would include reptiles among those designated dead animals.

(13) Existing law makes it unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated.

This bill would make it unlawful to take birds or mammals with firearms, air rifles, crossbows, or with bow and arrow when intoxicated.

(14) Existing law makes it unlawful to discharge certain weapons within 150 yards of certain buildings, establishing a safety zone.

This bill would also make it unlawful to intentionally discharge any firearm or release any arrow or crossbow bolt over or across any public road or way, open to the public, in an unsafe manner.

(15) Existing law, except as specified, makes it unlawful to possess or confine certain live cats, excepting house cats, provides for the seizure of unlawfully possessed or confined cats, requires the adoption of regulations by the commission, and requires the department inspection of permitted facilities.

This bill would delete those provisions.

(16) Existing law generally requires a hunting license applicant to have completed a hunter safety course.

This bill would rename that course a hunter education course. The bill would make corresponding changes to related provisions.

(17) Existing law provides for the licensure and regulation of domesticated migratory game bird shooting areas. That law requires that a licensee raise or use a minimum of 500 birds during the annual license period.

This bill would delete the requirement imposing that minimum.

(18) Existing law makes it a misdemeanor to take any Antwerp or homing pigeon.

This bill would ~~delete that provision~~ *instead provide that a person who purposely takes any racing pigeon currently registered with a recognized organization is guilty of a misdemeanor, but would also provide that the incidental take of registered racing pigeons with the shooting or taking of wild bandtailed pigeons or domestic pigeons is not a violation of this provision.*

(19) Existing law defines resident game birds and upland game bird species. Existing law permits the taking of certain nongame birds.

This bill would revise those definitions.

(20) Under existing law, the department is authorized to take any bird that is unduly preying on any bird, mammal, or fish.

This bill would authorize the department to take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, amphibian, reptile, or fish.

(21) Existing law defines fur-bearing mammals to include pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

This bill would delete wolverine, cross fox, and silver fox from that definition.

(22) Existing law generally requires a person who traps fur-bearing mammals or nongame mammals, designated by the commission, or who sells raw furs of those mammals, to procure a trapping license from the department.

This bill would provide that nothing in the Fish and Game Code or regulations adopted pursuant thereto shall be construed to prevent a land owner, lessee, governmental agency, public entity, their agents, or employees, on property under their control, from trapping specified animals, unless prohibited by federal law or if the species is listed pursuant to the California Endangered Species Act.

(23) Existing law makes it unlawful to take certain fox varieties for profitmaking purposes.

This bill would revise that provision to make it unlawful only to take the Sierra Nevada red fox for those purposes.

(24) Existing law regulates the taking of certain animals injuring property.

This bill would delete an existing requirement that the department develop statewide guidelines to aid in determining the damage caused by wild pigs. The bill would authorize the department to allow certain exceptions to specific requirements concerning the take of deer and rabbits.

(25) Existing law makes it unlawful, in any district or part of a district in Butte County, to kill or retain in possession any king, silver, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth.

This bill would make it unlawful to kill or retain in possession any chinook, coho, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth, in inland waters.

(26) Existing law generally makes it unlawful to deposit specified substances in, or permit them to pass into, or place them where they can pass into, the waters of this state.

This bill would also make it unlawful to deposit specified substances in, or permit them to pass into, or place them where they can pass into, any storm drain. The bill would define “waters of this state,” to have the same meaning as “waters of the state” as defined in the Water Code.

(27) Existing law makes it unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

This bill would add litter, refuse, waste, and debris to that list of items.

(28) The department is authorized to enter at any time any car, warehouse, depot, ship, or growing area where any fish, amphibians, or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether those fish, amphibians, or aquatic plants are infected, diseased, or parasitized.

This bill would also authorize entry into vehicles and containers, would change the purpose to a regulatory inspection, and additionally authorize the department to determine if aquaculture products are being or have been legally imported, transported, or possessed.

(29) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibians for any purpose other than profit to first obtain a license for that purpose and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Existing law excepts an owner of real property, or the owner’s invitee, who takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner’s real property and that is located offstream and not hydrologically connected to any permanent or intermittent waterway of the state.

This bill would revise that exception as to eligible persons and water bodies.

(30) Existing law requires a commercial fishing license for specified commercial fishing activities. Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires a person engaging in

activities for which a commercial fishing license is required to have specified identification.

This bill would authorize the use of a current valid passport as identification under specified circumstances.

(30.5) A provision, which was repealed on January 1, 2007, provided for the payment of a specified landing tax on abalone. Existing law, the provisions of which require its repeal on January 1, 2008, requires the appointment of a Commercial Abalone Advisory Committee, with prescribed membership, to recommend to the director activities to be conducted with funds collected under the repealed landing tax.

This bill would extend the existence of this advisory committee until January 1, 2013.

(31) Existing law generally makes it unlawful to use specified weapons in a game refuge.

This bill would include air rifles and crossbows in those weapons.

(32) Existing law makes specific violations of regulation or statute an infraction.

This bill would add several violations of regulations to that existing infraction provision. The bill would also make several other violations of statute an infraction.

(33) Existing law authorizes a judge before whom any person is tried and convicted of violating provisions relating to property damage and trespass, and also convicted of violating provisions relating to unlawful possession of game or unlawful use of artificial lights to order the forfeiture of any motor vehicle or snowmobile used in committing one or more of the offenses charged. Existing law requires that any vehicle so forfeited be sold or destroyed by the department, and the proceeds paid into the Fish and Game Preservation Fund.

This bill would revise those provisions to provide for forfeiture of certain vehicles upon conviction, forfeiture of bail, or specified pleadings in regard to listed violations.

(34) The bill would make other corresponding and clarifying changes, as well as deleting certain obsolete provisions.

(35) Existing law generally makes it a crime to violate fish and game laws.

This bill, by revising and adding to those laws, would change the definition of crime, thereby imposing a state-mandated local program.

(36) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18 of the Fish and Game Code is amended
2 to read:

3 18. “Bag limit” means the maximum limit, in number or
4 amount, of birds, mammals, fish, reptiles, or amphibians that may
5 lawfully be taken by any one person during a specified period of
6 time.

7 SEC. 2. Section 19 is added to the Fish and Game Code, to
8 read:

9 19. “Possession limit” means the maximum, in number or
10 amount, of birds, mammals, fish, reptiles, or amphibians that may
11 be lawfully possessed by one person.

12 SEC. 3. Section 62 of the Fish and Game Code is amended to
13 read:

14 62. “Open season” means that period of time during which the
15 taking of birds, mammals, fish, *reptiles*, or amphibians is allowed
16 as prescribed in this code and regulations adopted by the
17 commission. If used to define the period of time during which take
18 is allowed “season” means “open season.”

19 SEC. 4. Section 89.1 is added to the Fish and Game Code, to
20 read:

21 89.1. “Waters of the state,” “waters of this state,” and “state
22 waters” have the same meaning as “waters of the state” as defined
23 in subdivision (e) of Section 13050 of the Water Code.

24 SEC. 5. Section 331 of the Fish and Game Code is amended
25 to read:

26 331. (a) The commission may determine and fix the area or
27 areas, the seasons and hours, the bag and possession limit, and the
28 sex and total number of antelope (*Antilocapra americana*) that may
29 be taken under regulations that the commission may adopt from
30 time to time. Only a person possessing a valid hunting license,
31 who has not received an antelope tag under these provisions during
32 a period of time specified by the commission, may obtain a tag for
33 the taking of antelope.

1 (b) The department may issue a tag upon payment of a fee. The
2 fee for a tag shall be fifty-five dollars (\$55) for a resident of the
3 state, as adjusted under Section 713. On or before July 1, 2007,
4 the commission shall, by regulation, fix the fee for a nonresident
5 of the state at not less than a fee of three hundred fifty dollars
6 (\$350), as adjusted under Section 713. The fee shall be deposited
7 in the Fish and Game Preservation Fund and shall be expended,
8 in addition to money budgeted for salaries of persons in the
9 department, for the expense of implementing this section.

10 (c) The commission shall direct the department to annually
11 authorize not less than one antelope tag or more than 1 percent of
12 the total number of tags available for the purpose of raising funds
13 for programs and projects to benefit antelope. These tags may be
14 sold at auction to residents or nonresidents of the state or by another
15 method and are not subject to the fee limitation prescribed in
16 subdivision (b).

17 (d) The commission shall direct the department to annually
18 authorize one antelope tag of the total number of tags available
19 for issuance to nonresidents of the state.

20 SEC. 6. Section 332 of the Fish and Game Code is amended
21 to read:

22 332. (a) The commission may determine and fix the area or
23 areas, the seasons and hours, the bag and possession limit, and the
24 number of elk that may be taken under rules and regulations that
25 the commission may adopt from time to time. The commission
26 may authorize the taking of tule elk if the average of the
27 department's statewide tule elk population estimates exceeds 2,000
28 animals, or the Legislature determines, pursuant to the reports
29 required by Section 3951, that suitable areas cannot be found in
30 the state to accommodate that population in a healthy condition.

31 (b) Only a person possessing a valid hunting license may obtain
32 a tag for the taking of elk.

33 (c) The department may issue an elk tag upon payment of a fee.
34 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
35 a resident of the state, as adjusted under Section 713. On or before
36 July 1, 2007, the commission shall, by regulation, fix the fee for
37 a nonresident of the state at not less than one thousand fifty dollars
38 (\$1050), as adjusted under Section 713. The fees shall be deposited
39 in the Fish and Game Preservation Fund and shall be expended,

1 in addition to money budgeted for salaries of the department, for
2 the expense of implementing this section and Section 3951.

3 (d) The commission shall annually direct the department to
4 authorize not more than three elk hunting tags for the purpose of
5 raising funds for programs and projects to benefit elk. These tags
6 may be sold at auction to residents or nonresidents of the state or
7 by another method and are not subject to the fee limitation
8 prescribed in subdivision (c).

9 (e) The commission shall direct the department to annually
10 authorize one elk tag of the total number of tags available for
11 issuance to nonresidents of the state.

12 SEC. 7. Section 396 of the Fish and Game Code is amended
13 to read:

14 396. (a) The falconry license shall be valid for a license year
15 beginning on July 1 and ending on the last day of June of the next
16 succeeding calendar year. If issued after July 1 of any year, a
17 falconry license is valid for the remainder of that license year.

18 (b) For the license years beginning on or after March 1, 1987,
19 the fee for a falconry license is a base fee of thirty dollars (\$30)
20 as adjusted under Section 713.

21 SEC. 8. Section 397 of the Fish and Game Code is repealed.

22 SEC. 9. Section 711.2 of the Fish and Game Code is amended
23 to read:

24 711.2. (a) For purposes of this code, unless the context
25 otherwise requires, “wildlife” means and includes all wild animals,
26 birds, plants, fish, amphibians, reptiles, and related ecological
27 communities, including the habitat upon which the wildlife depends
28 for its continued viability and “project” has the same meaning as
29 defined in Section 21065 of the Public Resources Code.

30 (b) For purposes of this article, “person” includes any individual,
31 firm, association, organization, partnership, business, trust,
32 corporation, limited liability company, company, district, county,
33 city and county, city, town, the state, and any of the agencies of
34 those entities.

35 SEC. 10. Section 856 of the Fish and Game Code is amended
36 to read:

37 856. (a) All employees of the department designated by the
38 director as deputized law enforcement officers are peace officers
39 as provided by Section 830.2 of the Penal Code. The authority of
40 that peace officer extends to any place in the state as to a public

1 offense committed or which offense there is probable cause to
2 believe has been committed within the state.

3 (b) Every peace officer described in this section, before the date
4 that he or she is first deputized by the department, shall have
5 satisfactorily completed the basic course as set forth in the
6 regulations of the Commission on Peace Officer Standards and
7 Training.

8 ~~(c) Every peace officer described in this section who is not~~
9 ~~promoted, appointed, or transferred to a first-level supervisory~~
10 ~~position, as defined in the regulations of the Commission on Peace~~
11 ~~Officer Standards and Training, shall satisfactorily complete, at~~
12 ~~least once every two years, the advanced officer course as set forth~~
13 ~~in the regulations of the Commission on Peace Officer Standards~~
14 ~~and Training.~~

15 ~~(d) Every peace officer described in this section who is~~
16 ~~promoted, appointed, or transferred to a first-level supervisory~~
17 ~~position, as defined in the regulations of the Commission on Peace~~
18 ~~Officer Standards and Training, shall satisfactorily complete, within~~
19 ~~the minimum time limit prescribed by the regulations of the~~
20 ~~Commission on Peace Officer Standards and Training, the~~
21 ~~supervisory course as set forth in those regulations.~~

22 ~~(e) Persons described in this section as peace officers who do~~
23 ~~not satisfactorily complete the courses required by subdivisions~~
24 ~~(b) to (d), inclusive, shall not have the powers of a peace officer.~~

25 *(c) Every peace officer described in this section shall be required*
26 *to complete regular training courses as required by the*
27 *Commission on Peace Officer Standards and Training.*

28 SEC. 11. Section 1001 of the Fish and Game Code is amended
29 to read:

30 1001. Nothing in this code or any other law shall prohibit the
31 department from taking, for scientific, propagation, public health
32 or safety, prevention or relief of suffering, or law enforcement
33 purposes, fish, amphibians, reptiles, mammals, birds, and the nests
34 and eggs thereof, or any other form of plant or animal life.

35 SEC. 12. Section 1011 of the Fish and Game Code is amended
36 to read:

37 1011. (a) The department may procure insurance for any of
38 the following purposes:

1 (1) For its employees against special hazards in connection with
2 their duties occasioned by the existence of a state of war, in
3 addition to workers' compensation insurance.

4 (2) For its employees against injury or death in the course of
5 performance of their duties arising from airplane accidents.

6 (3) For vessels owned or operated by the department against
7 special hazards occasioned by the existence of a state of war, in
8 addition to usual hazards.

9 (4) For itself and landowners who agree to permit the department
10 to use their land as cooperative hunting, fishing, conservation or
11 recreational areas, against any liability resulting from the operation
12 of those hunting, fishing, conservation or recreational areas.

13 (5) For itself against any liability resulting from departmental
14 activities or operations.

15 (6) For its employees or other persons authorized by the
16 department to conduct hunter education training courses against
17 any public liability or property damage resulting from that training.

18 (7) For its employees against injury or death in the course of
19 the performance of their duties arising from diving, which includes
20 SCUBA or deep sea diving.

21 (b) The cost of insurance procured pursuant to subdivision (a)
22 shall be a proper charge against and shall be paid out of the Fish
23 and Game Preservation Fund.

24 SEC. 13. Section 1050.1 of the Fish and Game Code is
25 amended to read:

26 1050.1. Any license, permit, tag, stamp, or other entitlement
27 authorized pursuant to this code is not valid until it is filled out
28 completely and accurately and the fee authorized or identified in
29 statute or regulation for that entitlement is received and paid to
30 the department or its agent. It is the responsibility of the user to
31 ensure that the license, permit, tag, stamp, or other entitlement is
32 filled out completely and accurately.

33 SEC. 14. Section 1052 of the Fish and Game Code is amended
34 to read:

35 1052. It is unlawful for any person to do any of the following:

36 (a) Transfer any license, tag, stamp, permit, application, or
37 reservation.

38 (b) Use or possess any license, tag, stamp, permit, application,
39 or reservation that was not lawfully issued to the user or possessor

1 thereof or that was obtained by fraud, deceit, or the use of a fake
2 or counterfeit application form.

3 (c) Use or possess any fake or counterfeit license, tag, stamp,
4 permit, permit application form, band, or seal, made or used for
5 the purpose of evading any of the provisions of this code, or
6 regulations adopted pursuant thereto.

7 (d) Predate, fail to date, or alter any date of any license, tag, or
8 permit.

9 (e) Postdate the date of application or the date of issuance of
10 the license, tag, or permit. This subdivision does not apply to the
11 date that a license, tag, or permit is valid.

12 (f) Alter, mutilate, deface, duplicate, or counterfeit any license,
13 tag, permit, permit application form, band, or seal, or entries
14 thereon, to evade the provisions of this code, or any regulations
15 adopted pursuant thereto.

16 SEC. 15. Section 1052.5 of the Fish and Game Code is
17 amended to read:

18 1052.5. Any stamp issued pursuant to this article is not valid
19 unless affixed to the appropriate license document.

20 SEC. 16. Section 1053.5 of the Fish and Game Code is
21 amended to read:

22 1053.5. Applicants for hunting licenses pursuant to subdivision
23 (a) of Section 1053 shall first satisfactorily complete a hunter
24 education equivalency examination and obtain a certificate of
25 equivalency as provided by regulations adopted by the commission,
26 or show proof of completion of a hunter education training course,
27 or show a previous year's hunting license.

28 SEC. 17. Section 1054 of the Fish and Game Code is amended
29 to read:

30 1054. (a) It is unlawful to submit, or conspire to submit, any
31 false, inaccurate, or otherwise misleading information on any
32 application or other document offered or otherwise presented to
33 the department for any purpose, including, but not limited to,
34 obtaining a license, tag, permit, or other privilege or entitlement
35 pursuant to this code or regulations adopted thereto.

36 (b) The department may require the applicant for a license, tag,
37 permit, or other privilege or entitlement to show proof of the
38 statements or facts required for the issuance of any license, tag,
39 permit, or other privilege or entitlement.

1 (c) For purposes of this section, “department” includes any
2 department employee, license agent, or any person performing the
3 duties of a department employee or license agent.

4 SEC. 18. Section 1054.2 of the Fish and Game Code is
5 amended to read:

6 1054.2. Every person while engaged in taking any bird,
7 mammal, fish, amphibian, or reptile shall have on his or her person
8 or in his or her immediate possession, or where otherwise
9 specifically required by law to be kept, any license, tag, stamp, or
10 permit that is required in order to take the bird, mammal, fish,
11 amphibian, or reptile. In the case of a person diving from a boat,
12 the license or permit may be kept on the boat, or in the case of a
13 person diving from shore, the license or permit may be kept within
14 500 yards on the shore.

15 SEC. 19. Section 1054.8 of the Fish and Game Code is
16 amended to read:

17 1054.8. (a) The department shall establish, and keep current,
18 written policies and procedures relating to the application process
19 and the award of hunting tags for fundraising purposes, as
20 authorized pursuant to subdivision (c) of Section 331, subdivision
21 (d) of Section 332, Section 4334, or subdivision (d) of Section
22 4902.

23 (b) The policies and procedures shall include, but need not be
24 limited to, all of the following:

25 (1) The application process and criteria.

26 (2) A standard application format.

27 (3) An appeal process.

28 (4) A requirement that all applications shall remain sealed until
29 on or after a filing date specified by the department.

30 (c) The department shall make the policies and procedures
31 available to interested parties 30 days before their implementation
32 and shall receive and consider any related recommendations.

33 (d) The department shall not require a minimum tag sale price,
34 except as otherwise provided in this code.

35 (e) It is the intent of the Legislature that the department develop
36 policies and procedures that seek to maximize both the revenues
37 received by the department and participation by qualified nonprofit
38 organizations making application to sell the tags as sellers of the
39 tags.

1 SEC. 19.5. Section 1061 of the Fish and Game Code is amended
2 to read:

3 1061. (a) ~~A person may~~ The department may allow a person
4 to purchase a license voucher as a gift for a licensee when the
5 licensee's complete and accurate personal information, as defined
6 in regulation, is not provided by the license buyer at the time of
7 purchase.

8 ~~(b) A license purchase voucher may be purchased for the~~
9 ~~following items only:~~

10 ~~(1) Annual licenses issued pursuant to paragraphs (1), (2), and~~
11 ~~(3) of subdivision (a) of Section 3031 and paragraphs (1) and (2)~~
12 ~~of subdivision (a) and subdivision (b) of Section 7149.~~

13 ~~(2) Authorizations issued pursuant to Sections 3682, 3682.1,~~
14 ~~3700, 3700.1, 4332, 4654, 4751, 6596, 6596.1, 7149.4, 7149.45,~~
15 ~~7149.8, 7360, 7360.1, and 7380.~~

16 ~~(e)~~

17 (b) A license purchase voucher entitles the holder of the voucher
18 to redeem it for the specific ~~annual~~ license, *permit, tag, or other*
19 *privilege or entitlement*, and license year for which it was
20 purchased.

21 ~~(d)~~

22 (c) A license purchase voucher shall expire and be considered
23 void if not redeemed within the license year for which it was
24 purchased.

25 ~~(e)~~

26 (d) A license purchase voucher may be issued and redeemed
27 by any person authorized by the department to issue licenses.

28 ~~(f)~~

29 (e) The license agent handling fee, as provided under subdivision
30 (b) of Section ~~1055~~ and subdivision (b) of Section 1055.1, shall
31 only apply to the sale of the license purchase voucher.

32 ~~(g)~~

33 (f) This section applies only to licenses, permits, reservations,
34 tags, and other entitlements issued through the Automated License
35 Data System.

36 SEC. 20. Section 1124 of the Fish and Game Code is amended
37 to read:

38 1124. It is unlawful to take any fish in any pond, reservoir, or
39 other water-retaining structure belonging to or controlled by the

1 department and used for propagating, raising, holding, protecting,
2 or conserving fish.

3 SEC. 21. Section 2001 of the Fish and Game Code is amended
4 to read:

5 2001. (a) It is unlawful to take mammals, birds, fish, reptiles,
6 and amphibians outside of established seasons or to exceed any
7 bag limit or possession limit established in this code or by
8 regulations adopted by the commission. Violation of any
9 established season, bag limit, or possession limit may be charged
10 as a violation of this section or of the specific code section or
11 regulation that establishes the season or limit.

12 (b) Unless otherwise provided, it is unlawful to possess fish,
13 reptiles, or amphibians except during the open season where taken
14 and for 10 days thereafter; and not more than the possession limit
15 thereof may be possessed during the period after the close of the
16 open season.

17 (c) Except as provided in Section 3080, it is unlawful to possess
18 game birds or mammals except during the open season where
19 taken.

20 SEC. 22. Section 2005 of the Fish and Game Code is amended
21 to read:

22 2005. (a) Except as otherwise authorized by this section, it is
23 unlawful to use an artificial light to assist in the taking of game
24 birds, game mammals, or game fish, except that this section shall
25 not apply to sport fishing in ocean waters or other waters where
26 night fishing is permitted if the lights are not used on or as part of
27 the fishing tackle, commercial fishing, nor to the taking of
28 mammals, the taking of which is governed by Article 2
29 (commencing with Section 4180) of Chapter 3 of Part 3 of Division
30 4.

31 (b) It is unlawful for any person, or one or more persons, to
32 throw or cast the rays of any spotlight, headlight, or other artificial
33 light on any highway or in any field, woodland, or forest where
34 game mammals, fur-bearing mammals, or nongame mammals are
35 commonly found, or upon any game mammal, fur-bearing
36 mammal, or nongame mammal, while having in his or her
37 possession or under his or her control any firearm or weapon with
38 which that mammal could be killed, even though the mammal is
39 not killed, injured, shot at, or otherwise pursued.

1 (c) It is unlawful to use or possess at any time any infrared or
2 similar light used in connection with an electronic viewing device
3 or any night vision equipment, optical devices, including, but not
4 limited to, binoculars or scopes, that use light amplifying circuits
5 that are electrical or battery powered, to assist in the taking of
6 birds, mammals, amphibians, or fish.

7 (d) The provisions of this section do not apply to any of the
8 following:

9 (1) The use of a hand held flashlight no larger, nor emitting
10 more light, than a two-cell, three-volt flashlight, provided that light
11 is not affixed in any way to a weapon, or to the use of a lamp or
12 lantern that does not cast a directional beam of light.

13 (2) Headlights of a motor vehicle operated in a usual manner
14 where there is no attempt or intent to locate a game mammal,
15 fur-bearing mammal, or nongame mammal.

16 (3) To the owner, or his or her employee, of land devoted to the
17 agricultural industry while on that land, or land controlled by such
18 an owner and in connection with the agricultural industry.

19 (4) To those other uses as the commission may authorize by
20 regulation.

21 (e) A person shall not be arrested for violation of this section
22 except by a peace officer.

23 SEC. 23. Section 2006 of the Fish and Game Code is amended
24 to read:

25 2006. (a) It is unlawful to possess a loaded firearm in any
26 vehicle or conveyance or its attachments that is standing on or
27 along or is being driven on or along any public highway or other
28 way open to the public.

29 (b) For purposes of this section, a firearm shall be deemed to
30 be loaded if there is an unexpended cartridge or shell, consisting
31 of a case that holds a charge of powder and a bullet or shot in the
32 firing chamber of the firearm, but not when the only cartridges or
33 shells are in the magazine, except as follows:

34 (1) A revolver shall be deemed to be loaded if there is an
35 unexpended cartridge or shell in the cylinder chamber that is
36 aligned with the hammer or the cylinder chamber that will next
37 rotate into the firing position.

38 (2) A muzzle-loader firearm shall be deemed to be loaded if it
39 is capped or primed and has a powder charge and ball or shot in

1 the barrel or cylinder chamber that is aligned with the hammer or
2 the cylinder chamber that will next rotate into the firing position.

3 (c) For the purposes of this section, any public highway or other
4 way open to the public includes, but is not limited to, any type of
5 road, roadway, route highway, trail, path, ~~field~~, or parking area
6 open to public access.

7 (d) This section does not apply to the possession of a loaded
8 firearm by any person listed in subdivisions (b), (c), or (d) of
9 Section 12031 of the Penal Code.

10 SEC. 24. Section 2011 of the Fish and Game Code is amended
11 to read:

12 2011. (a) It is unlawful for any person to take, mutilate, or
13 destroy any bird or mammal lawfully in the possession of another.

14 (b) For the purpose of this section, a bird or mammal shall be
15 deemed in possession when it is actually reduced to physical
16 possession or when it is wounded or otherwise maimed and the
17 person who wounded or otherwise maimed it is in hot pursuit.

18 SEC. 25. Section 2012 of the Fish and Game Code is amended
19 to read:

20 2012. All licenses, tags, and the birds, mammals, fish, reptiles,
21 or amphibians taken or otherwise dealt with under this code, and
22 any device or apparatus designed to be, and capable of being, used
23 to take birds, mammals, fish, reptiles, or amphibia shall be
24 exhibited upon demand to any person authorized by the department
25 to enforce this code or any law relating to the protection and
26 conservation of birds, mammals, fish, reptiles, or amphibians.

27 SEC. 26. Section 2016 of the Fish and Game Code is amended
28 to read:

29 2016. It is unlawful to enter any lands under cultivation or
30 enclosed by a fence, belonging to, or occupied by, another, or to
31 enter any uncultivated or unenclosed lands, including lands
32 temporarily inundated by waters flowing outside the established
33 banks of a river, stream, slough, or other waterway, where signs
34 forbidding trespass are displayed at intervals not less than three to
35 the mile along all exterior boundaries and at all roads and trails
36 entering those lands, having in possession any firearm, air rifle,
37 archery bow, crossbow, or fishing equipment, or for the purpose
38 of discharging any firearm, or releasing an arrow or crossbow bolt,
39 or taking or destroying any fish, mammal, or bird, including any
40 waterfowl, on those lands without having first obtained written

1 permission from the owner of those lands, or his or her agent, or
2 the person in lawful possession thereof. Those signs may be of
3 any size and wording, other than the wording required for signs
4 under Section 2017, that will fairly advise persons about to enter
5 the land that the use of the land is so restricted.

6 SEC. 27. Section 2019 of the Fish and Game Code is amended
7 to read:

8 2019. (a) It is unlawful for any person to authorize, offer or
9 pay a bounty for any bird or mammal. This section does not apply
10 to any person with respect to the taking of any bird or mammal on
11 the private property of such a person.

12 (b) The commission may adopt regulations that provide
13 exemptions to this section for governmental agencies and public
14 entities on property under their control.

15 SEC. 28. Section 2106 of the Fish and Game Code is amended
16 to read:

17 2106. (a) The department may develop and implement a
18 recovery strategy pilot program for coho salmon.

19 (b) The department shall seek private and federal funding for
20 implementation of the coho salmon recovery strategy pilot
21 program.

22 SEC. 29. Section 2115 of the Fish and Game Code is amended
23 to read:

24 2115. The two hundred thousand dollars (\$200,000)
25 appropriated in the Budget Act of 1997 for the purposes of this
26 article shall be used for the Greater Sandhill crane. Any money
27 that is not used to develop a recovery plan for that species may be
28 used by the department to implement the recovery plan for that
29 species. Section 2098 does not apply to any costs relating to this
30 article.

31 SEC. 30. Section 2120 of the Fish and Game Code is amended
32 to read:

33 2120. (a) The commission, in cooperation with the Department
34 of Food and Agriculture, shall adopt regulations governing both
35 (1) the entry, importation, possession, transportation, keeping,
36 confinement, or release of any and all wild animals that will be or
37 that have been imported into this state pursuant to this chapter,
38 and (2) the possession of all other wild animals. The regulations
39 shall be designed to prevent damage to the native wildlife or
40 agricultural interests of this state resulting from the existence at

1 large of these wild animals, and to provide for the welfare of wild
2 animals and the safety of the public.

3 (b) The regulations shall also include criteria for all of the
4 following:

5 (1) The receiving, processing, and issuing of a permit and
6 conducting inspections.

7 (2) Contracting out inspection activities.

8 (3) Responding to public reports and complaints.

9 (4) The notification of the revocation, termination, or denial of
10 permits, and related appeals.

11 (5) The method by which the department determines that the
12 breeding of wild animals pursuant to a single event breeding permit
13 for exhibitor or a breeding permit is necessary and will not result
14 in unneeded or uncared for animals, and the means by which the
15 criteria will be implemented and enforced.

16 (6) How a responding agency will respond to an escape of a
17 wild animal. This shall include, but not be limited to, the
18 establishment of guidelines for the safe recapture of the wild animal
19 and procedures outlining when lethal force would be used to
20 recapture the wild animal.

21 (c) These regulations shall be developed and adopted by the
22 commission on or before January 1, 2007.

23 SEC. 31. Section 2121 of the Fish and Game Code is amended
24 to read:

25 2121. No person having possession or control over any wild
26 animal under this chapter shall intentionally free, or knowingly
27 permit the escape, or release of such an animal, except in
28 accordance with the regulations of the commission.

29 SEC. 32. Section 2127 of the Fish and Game Code is amended
30 to read:

31 2127. (a) The department may reimburse eligible local entities,
32 pursuant to a memorandum of understanding entered into pursuant
33 to this section, for costs incurred by the eligible local entities in
34 the administration and enforcement of any provision concerning
35 the possession of, handling of, care for, or holding facilities
36 provided for, a wild animal designated pursuant to Section 2118.

37 (b) The department may enter into memoranda of understanding
38 with eligible local entities for the administration and enforcement
39 of any provision concerning the possession of, handling of, care

1 for, or holding facilities provided for, a wild animal designated
2 pursuant to Section 2118.

3 (c) The commission shall adopt regulations that establish specific
4 criteria an eligible local entity shall meet in order to qualify as an
5 eligible local entity.

6 (d) For the purposes of this division, “eligible local entity”
7 means a county, local animal control officer, local humane society
8 official, educational institution, or trained private individual that
9 enters into a memorandum of understanding with the department
10 pursuant to this section.

11 SEC. 33. Section 2150.3 of the Fish and Game Code is
12 amended to read:

13 2150.3. (a) The director shall appoint a committee to advise
14 the director on the humane care and treatment of wild animals.

15 (b) The committee shall make recommendations to the director
16 for the establishment of standards of performance for
17 administration and enforcement, which shall include, but are not
18 limited to, requiring that the eligible local entity possess a
19 knowledge of humane wild animal training methods.

20 (c) The committee shall make recommendations to the director
21 as to the frequency of inspections necessary for the enforcement
22 and administration of any provision concerning the possession of,
23 handling of, care for, or holding facilities provided for, a wild
24 animal designated pursuant to Section 2118.

25 (d) The committee shall advise and assist the director in entering
26 into memorandums of understanding with eligible local entities
27 and in determining whether the memorandums of understanding
28 meet the requirements of this chapter.

29 SEC. 34. Section 2150.4 of the Fish and Game Code is
30 amended to read:

31 2150.4. (a) The department or an eligible local entity shall
32 inspect the wild animal facilities, as determined by the director’s
33 advisory committee, of each person holding a permit issued
34 pursuant to Section 2150 authorizing the possession of a wild
35 animal.

36 (b) In addition to the inspections specified in subdivision (a),
37 the department or an eligible local entity, pursuant to the
38 regulations of the commission, may inspect the facilities and care
39 provided for the wild animal of any person holding a permit issued
40 pursuant to Section 2150 for the purpose of determining whether

1 the animal is being cared for in accordance with all applicable
2 statutes and regulations. The department shall collect an inspection
3 fee, in an amount determined by the department pursuant to Section
4 2150.2.

5 (c) No later than January 1, 2007, the department, in cooperation
6 with the committee created pursuant to Section 2150.3, shall
7 develop, implement, and enter into memorandums of understanding
8 with eligible local entities if the department elects not to inspect
9 every wild animal facility pursuant to subdivisions (a) and (b).
10 Eligible local entities shall meet the criteria established in
11 regulations adopted pursuant to subdivision (b) of Section 2157.

12 SEC. 35. Section 2150.5 of the Fish and Game Code, as added
13 by Section 8 of Chapter 789 of the Statutes of 1990, is repealed.

14 SEC. 36. Section 2186 of the Fish and Game Code is amended
15 to read:

16 2186. (a) If during inspection upon arrival any wild animal is
17 found to be diseased, or there is reason to suspect the presence of
18 disease, or there is reason to suspect the presence of disease that
19 is or may be detrimental to agriculture, to native wildlife, or to the
20 public health or safety, the diseased animal, and if necessary, the
21 entire shipment shall be destroyed by, or under the supervision of
22 the enforcing officer, unless no detriment can be caused by its
23 detention in quarantine for a time and under conditions satisfactory
24 to the enforcing officer for disinfection, treatment, or diagnosis,
25 or no detriment can be caused by its return to its point of origin at
26 the option and expense of the owner or possessor.

27 (b) Notwithstanding Section 2117, for the purposes of this
28 section, "enforcing officer" means the enforcement personnel of
29 the department, the state plant quarantine officers, and county
30 agricultural commissioners.

31 SEC. 37. Section 2187 of the Fish and Game Code is amended
32 to read:

33 2187. (a) Whenever any wild animal is brought into this state
34 under permit, as provided in this chapter, the enforcing officers
35 *may*, from time to time, examine the conditions under which that
36 species is kept, and report to the department any suspicion or
37 knowledge of any disease or violations of the conditions of the
38 permit or of the regulations promulgated under this chapter. The
39 enforcing officer may order the transfer of the animal to new
40 owners or the correction of the conditions under which the species

1 is being kept if not in conformance with the terms of the permit,
2 at the expense of the owner or possessor. If neither transfer or
3 improvement of conditions is accomplished, the officer may order
4 destruction of the animal.

5 (b) Notwithstanding Section 2117, for the purposes of this
6 section, “enforcing officer” means the enforcement personnel of
7 the department, the state plant quarantine officers, and county
8 agricultural commissioners.

9 SEC. 38. Section 2189 of the Fish and Game Code is amended
10 to read:

11 2189. (a) As used in this section “nonnative wild animal”
12 means any nonnative animal species, or hybrid thereof, that is not
13 normally domesticated pursuant to this code or regulations adopted
14 pursuant thereto and that is not designated as a furbearing, game,
15 nongame, threatened, or endangered animal.

16 (b) No person shall import into this state any live nonnative
17 wild animal except pursuant to this chapter or regulations adopted
18 pursuant thereto.

19 (c) Any live nonnative wild animal that is possessed or
20 transported within this state in violation of this chapter or
21 regulations adopted pursuant thereto shall be disposed of in
22 accordance with regulations adopted pursuant to Section 2122, at
23 the expense of the owner or possessor. The owner or possessor
24 shall pay the costs associated with the seizure, care, holding,
25 transfer, and destruction of the animal.

26 (d) Any live, nonnative wild animal found at large within this
27 state shall be either summarily destroyed or captured. Any local,
28 state, or federal governmental agency that has public safety
29 responsibilities is authorized to implement this subdivision.

30 (e) If the animal is captured, it shall be disposed of in accordance
31 with regulations adopted pursuant to Section 2122 unless the
32 animal is listed as a threatened or endangered species by either
33 state or federal regulation. Notwithstanding subdivision (c), if the
34 animal is listed as a threatened or endangered species in either
35 regulation, the department shall be notified of the animal’s location
36 and the department shall be responsible for proper disposition.

37 SEC. 39. Section 2192 of the Fish and Game Code is amended
38 to read:

39 2192. Notwithstanding Part 2.5 (commencing with Section
40 18900) of Division 13 of the Health and Safety Code, Section

1 11356 of the Government Code, or any other provision of law,
2 regulations of the commission relating to the construction, fixtures,
3 and other minimum caging standards adopted by the commission
4 for the confinement of live wild animals pursuant to this chapter
5 are not building standards subject to the approval of the State
6 Building Standards Commission.

7 SEC. 40. Section 2345 of the Fish and Game Code is amended
8 to read:

9 2345. This article applies to all dead wild birds, mammals,
10 fish, reptiles, and amphibians. This article also applies to live
11 mollusks and crustaceans that are transported for purposes other
12 than placement in the waters of this state. This article does not
13 apply to animals imported for purposes of aquaculture under
14 Division 12 (commencing with Section 15000).

15 SEC. 41. Section 2346 of the Fish and Game Code is amended
16 to read:

17 2346. It is unlawful for a common carrier or his agent to
18 transport for, or to receive for transportation from, any one person,
19 during any interval of time, more than the bag limit of birds,
20 mammals, fish, reptiles, or amphibians that may legally be taken
21 and possessed by that person during that interval.

22 SEC. 42. Section 2347 of the Fish and Game Code is amended
23 to read:

24 2347. It is unlawful for any person to offer for transportation
25 by common carrier during any interval of time more than the bag
26 limit of birds, mammals, fish, reptiles, or amphibians that may
27 legally be taken and possessed by that person during that interval.

28 SEC. 43. Section 2348 of the Fish and Game Code is amended
29 to read:

30 2348. (a) Any package in which birds, mammals, fish, reptiles,
31 or amphibians, or parts thereof are offered for transportation to,
32 or are transported or received for transportation by, a common
33 carrier or his agent shall bear the name and address of the shipper
34 and of the consignee and an accurate description of the numbers
35 and kinds of birds, mammals, fish, *reptiles*, or amphibians
36 contained therein clearly and conspicuously marked on the outside
37 thereof.

38 (b) Licensed commercial fishermen and licensed commercial
39 fish dealers are subject to all of the provisions of this section,

1 except that commercial shipments of fish may be indicated by total
2 net weight of each species instead of by numbers.

3 SEC. 44. Section 2349 of the Fish and Game Code is amended
4 to read:

5 2349. No bird, mammal, fish, reptile, or amphibian, except
6 smoked, cured, or dried fish other than trout, may be shipped by
7 parcel post.

8 SEC. 45. Section 2353 of the Fish and Game Code is amended
9 to read:

10 2353. (a) Birds, mammals, fish, reptiles, or amphibians shall
11 not be imported or possessed in this state unless all of the following
12 requirements are met:

13 (1) The animals were legally taken and legally possessed outside
14 of this state.

15 (2) This code and regulations adopted pursuant thereto do not
16 expressly prohibit their possession in this state.

17 (3) A declaration is submitted to the department or a designated
18 state or federal agency at or immediately before the time of entry,
19 in the form and manner prescribed by the department.

20 (b) Birds, mammals, fish, reptiles, or amphibians legally taken
21 and legally possessed outside of this state may be imported into
22 this state and possessed without a declaration if the shipment is
23 handled by a common carrier under a bill of lading or as supplies
24 carried into this state by common carriers for use as food for the
25 passengers.

26 (c) The commission and the department shall not modify this
27 section by any regulation that would prohibit the importation of
28 lawfully killed migratory game birds taken in any other state or
29 country and transported into this state pursuant to the migratory
30 bird regulations adopted annually by the Secretary of the Interior.

31 SEC. 46. Section 2362 of the Fish and Game Code is amended
32 to read:

33 2362. Yellowtail, barracuda, and white seabass taken in waters
34 lying south of the maritime boundary line between the United
35 States and Mexico, with that maritime boundary line including,
36 but not limited to, the federal Exclusive Economic Zone boundary,
37 may be delivered to California ports aboard boats, including boats
38 carrying purse seine or round haul nets in accordance with those
39 regulations as the commission may make governing the inspection
40 and marking of those fish imported into this state. The cost of that

1 inspection and marking shall be paid by the importer. Fish taken
2 in Mexico shall not be imported unless legally taken and legally
3 possessed and a declaration is submitted to the department pursuant
4 to Section 2353.

5 SEC. 47. Section 2535 of the Fish and Game Code is amended
6 to read:

7 2535. As used in this chapter, “guide” means any person who
8 is engaged in the business of packing or guiding, or who, for a fee,
9 assists another person in taking or attempting to take any bird,
10 mammal, fish, amphibian, or reptile. “Guide” also includes any
11 person who, for profit, transports other persons, their equipment,
12 or both to or from a hunting or fishing area.

13 SEC. 48. Section 3001 of the Fish and Game Code is amended
14 to read:

15 3001. It is unlawful to take birds or mammals with firearms,
16 air rifles, crossbows, or with bow and arrow when intoxicated.

17 SEC. 49. Section 3003.5 of the Fish and Game Code is
18 amended to read:

19 3003.5. It is unlawful to pursue, drive, or herd any bird or
20 mammal with any motorized water, land, or air vehicle, including,
21 but not limited to, a motor vehicle, airplane, powerboat, or
22 snowmobile, except in any of the following circumstances:

23 (a) On private property by the landowner or tenant thereof to
24 haze birds or mammals for the purpose of preventing damage by
25 that wildlife to private property.

26 (b) Pursuant to a permit from the department issued under
27 regulations as the commission may prescribe.

28 (c) In the pursuit of agriculture.

29 SEC. 50. Section 3004 of the Fish and Game Code is amended
30 to read:

31 3004. (a) It is unlawful for any person, other than the owner,
32 person in possession of the premises, or a person having the express
33 permission of the owner or person in possession of the premises,
34 to hunt or to discharge while hunting, any firearm or other deadly
35 weapon within 150 yards of any occupied dwelling house,
36 residence, or other building or any barn or other outbuilding used
37 in connection therewith. The 150-yard area is a “safety zone.”

38 (b) It is unlawful for any person to intentionally discharge any
39 firearm or release any arrow or crossbow bolt over or across any
40 public road or way open to the public, in an unsafe manner.

1 SEC. 51. Section 3005.9 of the Fish and Game Code is
2 repealed.

3 SEC. 52. Section 3005.91 of the Fish and Game Code is
4 repealed.

5 SEC. 53. Section 3005.92 of the Fish and Game Code is
6 repealed.

7 SEC. 54. Section 3005.93 of the Fish and Game Code is
8 repealed.

9 SEC. 55. Section 3005.94 of the Fish and Game Code is
10 repealed.

11 SEC. 56. Section 3007 of the Fish and Game Code is amended
12 to read:

13 3007. Except as provided in this code or regulations adopted
14 pursuant thereto, every person who takes any bird or mammal shall
15 procure a license or entitlement therefor.

16 SEC. 57. Section 3031.2 of the Fish and Game Code is
17 amended to read:

18 3031.2. (a) In addition to Sections 714 and 3031 and
19 notwithstanding Section 3037, the department shall issue lifetime
20 hunting licenses under this section. A lifetime hunting license
21 authorizes the taking of birds and mammals anywhere in this state
22 in accordance with the law for purposes other than profit for the
23 life of the person to whom issued unless revoked for a violation
24 of this code or regulations adopted under this code. A lifetime
25 hunting license is not transferable. A lifetime hunting license does
26 not include any special tags, stamps, or fees.

27 (b) A lifetime hunting license may be issued to residents of this
28 state, as follows:

29 (1) To a person 62 years of age or over, upon payment of a base
30 fee of three hundred sixty-five dollars (\$365).

31 (2) To a person 40 years of age or over, and less than 62 years
32 of age, upon payment of a base fee of five hundred forty dollars
33 (\$540).

34 (3) To a person 10 years of age or over, and less than 40 years
35 of age, upon payment of a base fee of six hundred dollars (\$600).

36 (4) To a person less than 10 years of age, upon payment of a
37 base fee of three hundred sixty-five dollars (\$365).

38 (c) Nothing in this section requires a person less than 16 years
39 of age to obtain a license to take birds or mammals except as
40 required by law.

1 (d) Nothing in this section exempts an applicant for a license
2 from meeting other qualifications or requirements otherwise
3 established by law for the privilege of sport hunting.

4 (e) The base fees specified in this section are applicable
5 commencing January 1, 2004, and shall be adjusted annually
6 thereafter pursuant to Section 713.

7 SEC. 58. Section 3050 of the Fish and Game Code is amended
8 to read:

9 3050. (a) No hunting license may be issued to any person
10 unless he or she presents to the person authorized to issue that
11 license any of the following:

12 (1) Evidence that he or she has held a hunting license issued by
13 this state in a prior year.

14 (2) Evidence that he or she holds a current hunting license, or
15 a hunting license issued in either of the two previous hunting years
16 by another state or province.

17 (3) A certificate of completion of a course in hunter education,
18 principles of conservation, and sportsmanship, as provided in this
19 article. A hunter education instruction validation stamp shall be
20 permanently affixed to certificates of completion that have been
21 issued before January 1, 2008.

22 (4) A certificate of successful completion of a hunter education
23 course in another state or province.

24 (5) Evidence of completion of a course in hunter education,
25 principles of conservation, and sportsmanship, which the
26 commission may, by regulation, require.

27 (b) The evidence required in subdivision (a) shall be forwarded
28 to the department with the license agent's report of hunting license
29 sales as required pursuant to Section 1055.5.

30 (c) Subdivision (a) does not apply to any person purchasing a
31 hunting license under paragraph (5) of subdivision (a) of Section
32 3031. However, that license shall not qualify as evidence required
33 in subdivision (a) of this section.

34 SEC. 59. Section 3051 of the Fish and Game Code is amended
35 to read:

36 3051. (a) The department shall provide for a course of
37 instruction in hunter education, principles of conservation, and
38 sportsmanship, and for this purpose may cooperate with any
39 reputable association or organization having as one of its objectives

1 the promotion of hunter safety, principles of conservation, and
2 sportsmanship.

3 (b) The department may designate as a hunter education
4 instructor any person found by it to be competent to give instruction
5 in the courses required in this article. A person so appointed shall
6 give that course of instruction, and, upon completion thereof, shall
7 issue to the person instructed a certificate of completion as provided
8 by the department in hunter safety, principles of conservation, and
9 sportsmanship.

10 (c) The department shall prescribe a minimum level of skill and
11 knowledge to be required of all hunter education instructors, and
12 may limit the number of students per instructor in all required
13 classes.

14 (d) The department may revoke the certificate of any instructor
15 when, in the opinion of the department, it is in the best interest of
16 the state to do so.

17 SEC. 60. Section 3054 of the Fish and Game Code is amended
18 to read:

19 3054. The department shall furnish information on hunter
20 safety, principles of conservation, and sportsmanship that shall be
21 distributed free of charge to persons designated as hunter education
22 instructors for instructional purposes.

23 SEC. 61. Section 3055 of the Fish and Game Code is repealed.

24 SEC. 62. Section 3055.1 of the Fish and Game Code is
25 repealed.

26 SEC. 63. Section 3080 of the Fish and Game Code is amended
27 to read:

28 3080. (a) For the purposes of this section, “donor intermediary”
29 means a recipient who receives game birds or mammals from a
30 donor to give to a charitable organization or charitable entity. A
31 donor intermediary possessing game birds or mammals during a
32 period other than the open season shall have the documentation
33 described in paragraph (2) or (3) of subdivision (b). There is no
34 required format for the documentation. Any written documentation
35 containing the required information shall be deemed to comply
36 with this section.

37 (b) The possession limit of any game bird or mammal may be
38 possessed during a period other than the open season if one of the
39 following conditions apply:

1 (1) The person has in his or her possession a hunting license
2 and validated tag or tags for the species possessed, or copies
3 thereof. The license and tag or tags shall have been issued to that
4 person for the current or immediate past license year.

5 (2) The person received the game bird or mammal from a person
6 described in paragraph (1), and the recipient has a photocopy of
7 the donor's hunting license and the applicable validated tag or tags
8 that has been signed and dated by the donor confirming the
9 donation. The photocopied license and tag or tags shall be from
10 the current or immediate past license year.

11 (3) The person received the game bird or mammal from a person
12 described in paragraph (1), and the recipient has a signed and dated
13 document confirming the donation that includes the donor's name,
14 address, hunting license number, and applicable tag numbers for
15 the species possessed. The license and tag or tags shall be for the
16 current or immediate past license year.

17 (c) The documentation required by subdivision (b) shall be made
18 available to the department as described in Section 2012. Charitable
19 organizations or charitable entities receiving and distributing game
20 birds or mammals for charitable or humane purposes, shall maintain
21 the documentation described in paragraph (2) or (3) of subdivision
22 (b) for one year from the date of disposal.

23 (d) Nothing in this section authorizes the possession of game
24 birds or carcasses or parts thereof contrary to regulations issued
25 pursuant to the federal Migratory Bird Treaty Act (16 U.S.C. Sec.
26 703 et seq.).

27 SEC. 64. Section 3087 of the Fish and Game Code is amended
28 to read:

29 3087. (a) (1) Every person who prepares, stuffs, or mounts
30 the skin of any fish, reptile, amphibian, bird, or mammal for
31 another person for a fee shall make and keep an accurate and
32 detailed record, as prescribed by regulations of the commission,
33 regarding all fish, reptile, amphibian, bird, or mammal carcasses,
34 skins, or parts thereof that are acquired, possessed, or stored for
35 taxidermy purposes.

36 (2) The record required by this section shall be made at the time
37 the fish, reptile, amphibian, bird, or mammal carcasses, skins, or
38 parts thereof are received, and shall include the name and address
39 of each person from and to whom fish, reptile, amphibian, bird,
40 or mammal carcasses, skins, or parts thereof are received or

1 delivered and the number and species of all fish, reptile, amphibian,
2 bird, or mammal carcasses, skins, or parts thereof received or
3 delivered. The record shall be open for inspection at all times
4 pursuant to regulations adopted by the commission.

5 (b) (1) Where a taxidermist has prepared, stuffed, or mounted
6 the skin of any fish, reptile, amphibian, bird, or mammal for
7 another person and that person does not pay the cost thereof, or
8 take delivery thereof, the taxidermist may sell the skin only if the
9 commission adopts regulations permitting the sale.

10 (2) The commission may adopt regulations permitting a sale
11 pursuant to Chapter 6 (commencing with Section 3046) of Title
12 14 of Part 4 of Division 3 of the Civil Code, and may adopt any
13 other regulations governing the sale including, but not limited to,
14 regulations that require a taxidermist to record, and provide to the
15 department, the name and address of any person failing to pay for
16 work performed on a skin, that list species of fish, reptiles,
17 amphibians, birds, or mammals whose prepared skins shall not be
18 sold, and that limit the sales price of prepared skins to the actual
19 cost of preparation.

20 (3) The commission may adopt regulations permitting a sale of
21 a prepared skin pursuant to this subdivision only if the commission
22 also adopts regulations that require the posting of a notice or
23 otherwise giving notice at the place of business of the taxidermist
24 informing patrons of this subdivision and regulations adopted
25 pursuant thereto.

26 SEC. 65. Section 3242 of the Fish and Game Code is amended
27 to read:

28 3242. Upon submission of a completed application on a form
29 approved by the commission, a commercial hunting club license
30 shall be issued to any person upon the payment of a base fee of
31 one hundred sixty-five dollars (\$165), as adjusted under Section
32 713.

33 SEC. 66. Section 3304 of the Fish and Game Code is repealed.

34 SEC. 67. Section 3500 of the Fish and Game Code is amended
35 to read:

36 3500. (a) Resident game birds are as follows:

37 (1) Doves of the genus *Streptopelia*, including, but not limited
38 to, spotted doves, ringed turtledoves, and Eurasian ~~collared doves~~
39 *collared-doves*.

40 (2) California quail and varieties thereof.

- 1 (3) Gambel's or desert quail.
- 2 (4) Mountain quail and varieties thereof.
- 3 (5) Sooty or blue grouse and varieties thereof.
- 4 (6) Ruffed grouse.
- 5 (7) Sage hens ~~and~~ or sage grouse.
- 6 (8) Hungarian partridges.
- 7 (9) Red-legged partridges including the chukar and other
- 8 varieties.
- 9 (10) Ring-necked pheasants and varieties thereof.
- 10 (11) Wild turkeys of the order Galliformes.
- 11 (b) Migratory game birds are as follows:
- 12 (1) Ducks and geese.
- 13 (2) Coots and gallinules.
- 14 (3) Jacksnipe.
- 15 (4) Western mourning doves.
- 16 (5) White-winged doves.
- 17 (6) Band-tailed pigeons.
- 18 (c) References in this code to "game birds" means both resident
- 19 game birds and migratory game birds.
- 20 ~~SEC. 68. Section 3680 of the Fish and Game Code is repealed.~~
- 21 *SEC. 68. Section 3680 of the Fish and Game Code is amended*
- 22 *to read:*
- 23 3680. Any person, other than the owner thereof, who at any
- 24 time, by any means or in any manner, ~~takes any Antwerp or homing~~
- 25 ~~pigeon~~ *purposely takes any racing pigeon currently registered*
- 26 *with a recognized organization, is guilty of a misdemeanor.*
- 27 ~~However, during the open legal season on bandtailed pigeons, the~~
- 28 ~~taking of Antwerp or homing pigeons incidentally~~ *the incidental*
- 29 *take of registered racing pigeons with the shooting or taking of*
- 30 *wild bandtailed pigeons or domestic pigeons (Columbia livia), is*
- 31 *not a violation of this section.*
- 32 SEC. 69. Section 3683 of the Fish and Game Code is amended
- 33 to read:
- 34 3683. Upland game bird species include both of the following:
- 35 (a) All of the following resident game birds:
- 36 (1) Doves of the genus Streptopelia, including, but not limited
- 37 to, spotted doves, ringed turtledoves, and Eurasian collared doves.
- 38 (2) California quail and varieties thereof.
- 39 (3) Gambel's or desert quail.
- 40 (4) Mountain quail and varieties thereof.

- 1 (5) Sooty or blue grouse.
- 2 (6) Ruffed grouse.
- 3 (7) Sage hens or sage grouse.
- 4 (8) White-tailed ptarmigan.
- 5 (9) Hungarian partridges.
- 6 (10) Red-legged partridges including the chukar and other
- 7 varieties.
- 8 (11) Ring-necked pheasants and varieties thereof.
- 9 (12) Wild turkeys.
- 10 (b) All of the following migratory game birds:
- 11 (1) Jacksnipe.
- 12 (2) Western mourning doves.
- 13 (3) White-winged doves.
- 14 (4) Band-tailed pigeons.

15 SEC. 70. Section 3801 of the Fish and Game Code is amended
16 to read:

17 3801. Notwithstanding Section 3007 or any other provision of
18 this code or regulations made pursuant thereto requiring the
19 possession of a hunting license, a landowner or lessee or agent of
20 either in immediate possession of written authority from the
21 landowner or lessee, shall not be required to obtain a hunting
22 license or a depredation permit to take the following nongame
23 birds on land owned or leased by the landowner or lessee. Hunters
24 otherwise taking the following nongame birds shall be licensed
25 pursuant to Section 3007. The following nongame birds taken in
26 compliance with this section may be taken and possessed by any
27 person at any time, except as provided in Section 3000:

- 28 (a) English sparrows (*Passer domesticus*).
- 29 (b) Starlings (*Sturnus vulgaris*).
- 30 (c) Rock dove, also known as domestic pigeons (*Columba livia*).

31 SEC. 71. Section 3801.6 of the Fish and Game Code is
32 amended to read:

33 3801.6. (a) Except as otherwise provided in this code or
34 regulations made pursuant thereto, it is unlawful to possess the
35 carcass, skin, or parts of any nongame bird. The carcass, skin, or
36 parts of any nongame bird possessed by any person in violation
37 of any of the provisions of this code shall be seized by the
38 department and delivered to a scientific or educational institution,
39 used by the department, or destroyed.

(b) It shall be an affirmative defense to a violation of this section if the possessor of feathers or parts of a nongame bird is an enrolled member of a federally recognized Indian tribe who has valid tribal identification in his or her immediate possession. The member shall have legally acquired the feathers or parts and those feathers or parts shall be possessed for tribal cultural, ethnic, or religious purposes. Nothing in this section allows those feathers or parts to be initially obtained on nontribal lands or to be sold or bartered. Native Americans meeting the affirmative defense requirements may keep and openly display those feathers and parts in accordance with cultural, ethnic, or religious practices of his or her tribe.

SEC. 72. Section 3803 of the Fish and Game Code is amended to read:

3803. The department may take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, reptile, amphibian, or fish.

SEC. 73. Section 4000 of the Fish and Game Code is amended to read:

4000. The following are fur-bearing mammals: pine marten, fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

SEC. 74. Section 4001 of the Fish and Game Code is repealed.

SEC. 75. Section 4005 of the Fish and Game Code is amended to read:

4005. (a) Except as otherwise provided in this section, every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the commission or who sells raw furs of those mammals, shall procure a trapping license. "Raw fur" means any fur, pelt, or skin that has not been tanned or cured, except that salt-cured or sun-cured pelts are raw furs.

(b) The department shall develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license. No person shall be issued a license until he or she has passed a test of his or her knowledge and skill in this field.

(c) Persons trapping mammals in accordance with Section 4152 or 4180 are not required to procure a trapping license except when providing trapping services for profit.

(d) No raw furs taken by persons providing trapping services for profit may be sold.

1 (e) The license requirement imposed by this section does not
2 apply to any of the following:

3 (1) Officers or employees of federal, county, or city agencies
4 or the department, when acting in their official capacities, or
5 officers or employees of the Department of Food and Agriculture
6 when acting pursuant to the Food and Agricultural Code pertaining
7 to pests or pursuant to Article 6 (commencing with Section 6021)
8 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural
9 Code.

10 (2) Structural pest control operators license pursuant to Chapter
11 14 (commencing with Section 8500) of Division 3 of the Business
12 and Professions Code, when trapping rats, mice, voles, moles, or
13 gophers.

14 (3) Persons and businesses licensed or certified by the
15 Department of Pesticide Regulation pursuant to Chapter 4
16 (commencing with Section 11701) and Chapter 8 (commencing
17 with Section 12201) of Division 6 of, and Chapter 3.6,
18 (commencing with Section 14151) of Division 7 of, the Food and
19 Agricultural Code, when trapping rats, mice, voles, moles, or
20 gophers.

21 (f) (1) Except as provided in paragraph (2), nothing in this code
22 or regulations adopted pursuant thereto shall be construed to
23 prevent a land owner, lessee, governmental agency, public entity,
24 their agents, or employees on property under their control, from
25 trapping any of the following animals:

26 (A) Gophers.

27 (B) House mice.

28 (C) Moles.

29 (D) Rats, except riparian woodrats.

30 (E) Voles, except white-footed voles.

31 (2) A land owner, lessee, governmental agency, public entity,
32 their agents, or employees shall not trap any of the animals listed
33 in paragraph (1) if prohibited by federal law or if the species is
34 listed pursuant to Chapter 1.5 (commencing with Section 2050)
35 of Division 3 or Chapter 8 (commencing with Section 4700).

36 SEC. 76. Section 4012 of the Fish and Game Code is amended
37 to read:

38 4012. It is unlawful to take any Sierra Nevada red fox (*Vulpes*
39 *vulpes necator*) for profitmaking purposes.

1 SEC. 77. Section 4152 of the Fish and Game Code is amended
2 to read:

3 4152. (a) Except as provided in Section 4005, nongame
4 mammals and black-tailed jackrabbits, muskrats, subspecies of
5 red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes*
6 *necator*), and red fox squirrels that are found to be injuring growing
7 crops or other property may be taken at any time or in any manner
8 in accordance with this code and regulations adopted pursuant to
9 this code by the owner or tenant of the premises or employees and
10 agents in immediate possession of written permission from the
11 owner or tenant thereof. They may also be taken by officers or
12 employees of the Department of Food and Agriculture or by
13 federal, county, or city, officers or employees when acting in their
14 official capacities pursuant to the Food and Agricultural Code
15 pertaining to pests, or pursuant to Article 6 (commencing with
16 Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and
17 Agricultural Code. Persons taking mammals in accordance with
18 this section are exempt from Section 3007, except when providing
19 trapping services for a fee. Unless otherwise specifically allowed
20 by the department, mammals taken pursuant to this section shall
21 be immediately killed or immediately released unharmed on the
22 same property where the take occurred. Raw furs, as defined in
23 Section 4005, that are taken under this section, shall not be sold.

24 (b) Traps used pursuant to this section shall be inspected and
25 all animals in the trap shall be removed at least once daily. The
26 inspection and removal shall be done by the person who sets the
27 trap or the owner of the land where the trap is set or an agent of
28 either.

29 SEC. 78. Section 4180 of the Fish and Game Code is amended
30 to read:

31 4180. (a) Except as provided for in Section 4005, fur-bearing
32 mammals that are injuring property may be taken at any time and
33 in any manner in accordance with this code or regulations made
34 pursuant to this code. Raw furs, as defined in Section 4005, that
35 are taken under this section, shall not be sold.

36 (b) Traps used pursuant to this section shall be inspected and
37 all animals in the trap shall be removed at least once daily. The
38 inspection and removal shall be done by the person who sets the
39 trap or the owner of the land where the trap is set or an agent of
40 either.

1 SEC. 79. Section 4181.1 of the Fish and Game Code is
2 amended to read:

3 4181.1. (a) Any bear that is encountered while in the act of
4 inflicting injury to, molesting, or killing, livestock may be taken
5 immediately by the owner of the livestock or the owner's employee
6 if the taking is reported no later than the next working day to the
7 department and the carcass is made available to the department.

8 (b) Notwithstanding Section 4652, any wild pig that is
9 encountered while in the act of inflicting injury to, molesting,
10 pursuing, worrying, or killing livestock or damaging or destroying,
11 or threatening to immediately damage or destroy, land or other
12 property, including, but not limited to, rare, threatened, or
13 endangered native plants, wildlife, or aquatic species, may be taken
14 immediately by the owner of the livestock, land, or property or
15 the owner's agent or employee, or by an agent or employee of any
16 federal, state, county, or city entity when acting in his or her official
17 capacity. The person taking the wild pig shall report the taking no
18 later than the next working day to the department and shall make
19 the carcass available to the department. Unless otherwise directed
20 by the department and notwithstanding Section 4657, the person
21 taking a wild pig pursuant to this subdivision, or to whom the
22 carcass of a wild pig taken pursuant to this subdivision is
23 transferred pursuant to subdivision (c), may possess the carcass
24 of the wild pig. The person in possession of the carcass shall make
25 use of the carcass, which may include an arrangement for the
26 transfer of the carcass to another person or entity, such as a
27 nonprofit organization, without compensation. The person who
28 arranges this transfer shall be deemed to be in compliance with
29 Section 4304. A violation of this subdivision is punishable pursuant
30 to Section 12000. It is the intent of the Legislature that nothing in
31 this subdivision shall be interpreted to authorize a person to take
32 wild pigs pursuant to this subdivision in violation of a state statute
33 or regulation or a local zoning or other ordinance that is adopted
34 pursuant to other provisions of law and that restricts the discharge
35 of firearms.

36 (c) The department may have an employee of the department
37 investigate the taking or cause the taking to be investigated. The
38 person taking a wild pig shall provide information as deemed
39 necessary by the department. Upon completion of the investigation,
40 the investigator may, upon a finding that the requirements of this

1 section have been met with respect to the particular bear or wild
2 pig taken under subdivision (a) or (b), issue a written statement to
3 the person confirming that the requirements of this section have
4 been met. The person who took the wild pig may transfer the
5 carcass to another person without compensation.

6 (d) Notwithstanding Section 4763, any part of any bear lawfully
7 possessed pursuant to this section is subject to Section 4758.

8 (e) Nothing in this section prohibits federal, state, or county
9 trappers from killing or trapping bears when the bears are killing
10 or molesting livestock, but no iron-jawed or steel-jawed or any
11 type of metal-jawed trap shall be used to take the bear, and no
12 person, including employees of the state, federal, or county
13 government, shall take bear with iron-jawed or steel-jawed or any
14 type of metal-jawed traps.

15 SEC. 80. Section 4181.2 of the Fish and Game Code is
16 repealed.

17 SEC. 81. Section 4181.5 of the Fish and Game Code is
18 amended to read:

19 4181.5. (a) Any owner or tenant of land or property that is
20 being damaged or destroyed or is in immediate danger of being
21 damaged or destroyed by deer may apply to the department for a
22 permit to kill those deer. The department, upon satisfactory
23 evidence of that damage or destruction, actual or immediately
24 threatened, shall issue a revocable permit for the taking and
25 disposition of those deer for a designated period not to exceed 60
26 days under regulations promulgated by the commission.

27 (b) The regulations of the commission shall include provisions
28 concerning the type of weapons to be used to kill the deer. The
29 weapons shall be those as will ensure humane killing, but the
30 regulations of the commission shall provide for the use of a
31 sufficient variety of weapons to permit the designation of particular
32 types to be used in any particular locality commensurate with the
33 need to protect persons and property. Firearms using .22-caliber
34 rimfire cartridges may be used only when authorized by the
35 department. The caliber and type of weapon to be used by each
36 permittee shall be specified in each permit by the issuing officer
37 who shall take into consideration the location of the area, the
38 necessity for clean kills, the safety factor, local firearms ordinances,
39 and other factors that apply. Rifle and pistol ammunition used shall

1 have expanding bullets; shotgun ammunition shall have only single
2 slugs, or, if authorized by the department, 0 or 00 buckshot.

3 (c) The department shall issue tags similar to those provided
4 for in Section 4331 at the same time the permit is issued. A
5 permittee under this section shall carry the tags while hunting deer,
6 and upon the killing of any deer, shall immediately fill out both
7 parts of the tag and punch out clearly the date of the kill. One part
8 of the tag shall be immediately attached to the antlers of antlered
9 deer or to the ear of any other deer and kept attached until 10 days
10 after the permit has expired. The other part of the tag shall be
11 immediately sent to the department after it has been countersigned
12 by any person authorized by Section 4341.

13 (d) A permit issued pursuant to this section may be renewed
14 only after a finding by the department that further damage has
15 occurred or will occur unless that permit is renewed. A person
16 seeking renewal of the permit shall account for all prior tags issued
17 at the time he or she received any prior permits, and if any tags
18 are unused, he or she shall show either that any deer killed could
19 not reasonably be tagged or why the killing was not accomplished
20 within the allotted time and why that killing would be accomplished
21 under a new time period.

22 SEC. 82. Section 4186 of the Fish and Game Code is amended
23 to read:

24 4186. Nothing in this code prohibits the owner or tenant of
25 land, or any person authorized in writing by that owner or tenant,
26 from taking cottontail or brush rabbits during any time of the year
27 when damage to crops or forage is being experienced on that land.
28 Unless otherwise specifically allowed by the department, those
29 rabbits shall be immediately killed or immediately released
30 unharmed on the same property where the take occurred. Any
31 person other than the owner or tenant of the land shall have in
32 possession when transporting rabbits from the property, written
33 authority from the owner or tenant of land where those rabbits
34 were taken. Rabbits taken under this section shall not be sold.

35 SEC. 83. Section 4330 of the Fish and Game Code is amended
36 to read:

37 4330. It is unlawful to take any deer without first procuring a
38 deer tag or permit authorizing the taking of that deer.

39 SEC. 84. Section 4331 of the Fish and Game Code is amended
40 to read:

1 4331. The commission may determine the design and makeup
2 of the deer tag and prescribe the procedures for issuance and use.

3 SEC. 85. Section 4332 of the Fish and Game Code is amended
4 to read:

5 4332. (a) Any resident of this state, 12 years of age or over,
6 who possesses a valid hunting license, may procure one tag for
7 the taking of one deer by one person during the current license
8 year, upon payment of the base fee of ten dollars (\$10) for the
9 license year beginning July 1, 1986, and the base fee as adjusted
10 under Section 713 for subsequent license years.

11 (b) Any nonresident of this state, 12 years of age or over, who
12 possesses a valid hunting license, may procure one tag for the
13 taking of one deer by one person during the current license year,
14 upon payment of the base fee of one hundred dollars (\$100) for
15 the license year beginning July 1, 1986, and the base fee as adjusted
16 under Section 713 for subsequent license years.

17 (c) If provided in regulations adopted by the commission under
18 Section 200, any resident of this state, 12 years of age or over,
19 who possesses a deer tag may procure one additional deer tag for
20 the taking of one additional deer during the current license season,
21 upon payment of the base fee of twelve dollars and fifty cents
22 (\$12.50) for the license years beginning July 1, 1986, and the base
23 fee as adjusted under Section 713 for subsequent license years.

24 (d) If provided in regulations adopted by the commission under
25 Section 200, any nonresident of this state, 12 years of age or over,
26 who possesses a deer tag may procure one additional deer tag for
27 the taking of one additional deer during the current license season,
28 upon payment of the base fee of one hundred dollars (\$100) for
29 the license year beginning July 1, 1986, and the base fee as adjusted
30 under Section 713 for subsequent license years.

31 (e) The revenue received pursuant to this section shall be
32 deposited in the Fish and Game Preservation Fund, and,
33 notwithstanding Section 13340 of the Government Code, 54
34 percent of the amount deposited in that fund pursuant to this section
35 each year is hereby continuously appropriated to the department
36 for expenditure for the purpose of implementing the deer herd
37 management plans prepared pursuant to Chapter 5 (commencing
38 with Section 450) of Division 1.

39 The amount appropriated for implementation of deer herd
40 management plans by this subdivision is intended to be in addition

1 to, and not a replacement for, the funds budgeted in that year or
2 the previous year to the department from the Fish and Game
3 Preservation Fund for deer management.

4 SEC. 86. Section 4333 of the Fish and Game Code is amended
5 to read:

6 4333. Tags are valid only during that portion of the current
7 hunting license year in which deer may be taken or possessed in
8 any area.

9 SEC. 87. Section 4334 of the Fish and Game Code is amended
10 to read:

11 4334. The commission shall annually direct the department to
12 authorize, pursuant to Sections 1054.6 and 1054.8, the sale of not
13 more than 10 deer tags solely for the purpose of raising funds for
14 programs and projects to benefit deer. These tags may be sold to
15 residents or nonresidents of the State of California at auction or
16 by any other method and are not subject to the fees prescribed by
17 Section 4332. Notwithstanding Section 13340 of the Government
18 Code, all funds derived from the sale of these tags is hereby
19 continuously appropriated to the department to be used for the
20 Deer Herd Management Plan Implementation Program. These
21 funds shall augment, not supplant, any other funds appropriated
22 to the department for the preservation, restoration, utilization, and
23 management of deer. All revenues derived from the sale of these
24 tags shall be remitted to the department by the seller.

25 SEC. 88. Section 4336 of the Fish and Game Code is amended
26 to read:

27 4336. (a) The person to whom a deer tag has been issued shall
28 carry the tag while hunting deer. Upon the killing of any deer, that
29 person shall immediately fill out the tag completely, legibly, and
30 permanently, and cut out or punch out and completely remove
31 notches or punch holes for the month and date of the kill. The deer
32 tag shall be immediately attached to the antlers of antlered deer or
33 to the ear of any other deer and kept attached during the open
34 season and for 15 days thereafter. The holder of the deer tag shall
35 immediately, upon harvesting a deer, notify the department in a
36 manner specified by the commission.

37 (b) Except as otherwise provided by this code or regulation
38 adopted pursuant to this code, it is unlawful to possess any
39 untagged deer.

1 SEC. 89. Section 4340 of the Fish and Game Code is amended
2 to read:

3 4340. (a) Any person who is convicted of a violation of any
4 provision of this code, or of any rule, regulation, or order made or
5 adopted under this code, relating to deer shall forfeit his or her
6 deer tags, and no new deer tags shall be issued to that person during
7 the then current license year for hunting licenses.

8 (b) No person described in subdivision (a) may apply for deer
9 tags for the following license year.

10 SEC. 90. Section 4341 of the Fish and Game Code is amended
11 to read:

12 4341. Any person legally killing a deer in this state shall have
13 the tag countersigned by a person employed in the department, a
14 person designated for this purpose by the commission, or by a
15 notary public, postmaster, peace officer, or an officer authorized
16 to administer oaths, before transporting such deer, except for the
17 purpose of taking it to the nearest person authorized to countersign
18 the tag, on the route being followed from the point where the deer
19 is taken.

20 SEC. 91. Section 4652 of the Fish and Game Code is amended
21 to read:

22 4652. It is unlawful to take any wild pig, except as provided
23 in Section 4181, without first procuring a tag authorizing the taking
24 of that wild pig in accordance with this chapter.

25 SEC. 92. Section 4653 of the Fish and Game Code is amended
26 to read:

27 4653. The department may determine the design and type of
28 information to be included on the wild pig tag and prescribe the
29 procedures for the issuance and use of the tag.

30 SEC. 93. Section 4655 of the Fish and Game Code is amended
31 to read:

32 4655. Wild pig tags are valid only during that portion of the
33 current hunting license year in which wild pigs may be taken or
34 possessed in any area of the state.

35 SEC. 94. Section 4657 of the Fish and Game Code is amended
36 to read:

37 4657. The holder of a wild pig tag shall keep the tag in his or
38 her possession while hunting wild pig. Before the taking of any
39 wild pig, the holder of a wild pig tag, except for wild pig tags
40 issued through the Automated License Data System, shall legibly

1 write or otherwise affix his or her hunting license number to the
2 wild pig tag. Upon the killing of any wild pig, the date of the kill
3 shall be clearly marked by the holder of the tag on both parts of
4 the tag. Before transporting the pig, a tag shall be attached to the
5 carcass by the holder of the tag. The holder of the wild pig tag
6 shall immediately, upon harvesting a pig, notify the department
7 in a manner specified by the commission.

8 SEC. 95. Section 4750 of the Fish and Game Code is amended
9 to read:

10 4750. It is unlawful to take any bear with firearm, trap, or bow
11 and arrow without first procuring a tag authorizing the taking of
12 that bear in accordance with this chapter, but no iron or steel-jawed
13 or any type of metal-jawed trap shall be used to take any bear.

14 SEC. 96. Section 4751 of the Fish and Game Code is amended
15 to read:

16 4751. (a) Any resident of this state, 12 years of age or over,
17 who possesses a valid hunting license, may procure the number
18 of bear tags corresponding to the number of bear that may legally
19 be taken by one person during the current license year, upon
20 payment of a base fee of fifteen dollars (\$15), as adjusted under
21 Section 713, for each bear tag.

22 (b) Any nonresident of this state, 12 years of age or over, who
23 possesses a valid California hunting license, may procure the
24 number of bear tags corresponding to the number of bear that may
25 be legally taken by one person during the current license year upon
26 payment of the base fee of one hundred five dollars (\$105), as
27 adjusted under Section 713, for each bear tag.

28 SEC. 97. Section 4752 of the Fish and Game Code is amended
29 to read:

30 4752. Bear tags are valid only during that portion of the current
31 hunting license year in which bear may be taken or possessed in
32 any district.

33 SEC. 98. Section 4753 of the Fish and Game Code is amended
34 to read:

35 4753. The person to whom a bear tag has been issued shall
36 carry the tag while hunting bear. Upon the killing of any bear, that
37 person shall immediately fill out the tag completely, legibly, and
38 permanently, and cut out or punch out and completely remove
39 notches or punch holes for the month and the date of the kill. One
40 part of the tag shall be immediately attached to the ear of the bear

1 and kept attached during the open season and for 15 days thereafter.
2 The holder of the bear tag shall immediately, upon harvesting a
3 bear, notify the department in a manner specified by the
4 commission. Except as otherwise provided by this code or
5 regulations adopted pursuant to this code, it is unlawful to possess
6 any untagged bear.

7 SEC. 99. Section 4754 of the Fish and Game Code is amended
8 to read:

9 4754. (a) Any person who is convicted of a violation of any
10 provision of this code, or of any rule, regulation, or order made or
11 adopted under this code, relating to bears shall forfeit his or her
12 bear tags, and new bear tags shall not be issued to that person
13 during the then current license year for hunting licenses.

14 (b) A person described in subdivision (a) shall not apply for
15 bear tags for the following license year.

16 SEC. 100. Section 4755 of the Fish and Game Code is amended
17 to read:

18 4755. Any person legally killing a bear in this state shall have
19 the tag countersigned by a fish and game commissioner, a person
20 employed in the department, a person designated for this purpose
21 by the commission, or by a notary public, postmaster, peace officer
22 or by an officer authorized to administer oaths, before transporting
23 that bear except for the purpose of taking it to the nearest officer
24 authorized to countersign the tag, on the route being followed from
25 the point where the bear is taken.

26 SEC. 101. Section 4902 of the Fish and Game Code is amended
27 to read:

28 4902. (a) The commission may adopt all regulations necessary
29 to provide for biologically sound management of Nelson bighorn
30 sheep (subspecies *Ovis canadensis nelsoni*).

31 (b) (1) After the plans developed by the department pursuant
32 to Section 4901 for the management units have been submitted,
33 the commission may authorize sport hunting of mature Nelson
34 bighorn rams. Before authorizing the sport hunting, the commission
35 shall take into account the Nelson bighorn sheep population
36 statewide, including the population in the management units
37 designated for hunting.

38 (2) Notwithstanding Section 219, the commission shall not,
39 however, adopt regulations authorizing the sport hunting in a single
40 year of more than 15 percent of the mature Nelson bighorn rams

1 in a single management unit, based on the department's annual
2 estimate of the population in each management unit.

3 (c) The fee for a tag to take a Nelson bighorn ram may be
4 determined by the commission, but shall not exceed five hundred
5 dollars (\$500).

6 (d) The commission shall annually direct the department to
7 authorize not more than three of the tags available for issuance
8 that year to take Nelson bighorn rams for the purpose of raising
9 funds for programs and projects to benefit bighorn sheep. These
10 tags may be sold to residents or nonresidents of the State of
11 California at auction or by other method and shall not be subject
12 to the fee limitation prescribed in subdivision (c). Commencing
13 with tags sold for the 1993 hunting season, if more than one tag
14 is authorized, the department shall designate a nonprofit
15 organization organized pursuant to the laws of this state, or the
16 California chapter of a nonprofit organization organized pursuant
17 to the laws of another state, as the seller not less than one of these
18 tags. The number of tags authorized for the purpose of raising
19 funds pursuant to this subdivision, if more than one, shall not
20 exceed 15 percent of the total number of tags authorized pursuant
21 to subdivision (b).

22 (e) No tag issued pursuant to this section shall be valid unless
23 and until the licensee has successfully completed a prehunt hunter
24 familiarization and orientation and has demonstrated to the
25 department that he or she is familiar with the requisite equipment
26 for participating in the hunting of bighorn rams, as determined by
27 the commission. The orientation shall be conducted by the
28 department at convenient locations and times preceding each
29 season, as determined by the commission.

30 SEC. 102. Section 4904 of the Fish and Game Code is amended
31 to read:

32 4904. (a) The department shall biennially report the following
33 to the Legislature:

34 (1) The management units for which plans have been developed
35 pursuant to Section 4901.

36 (2) A summary of the data from the annual count conducted by
37 the department for the purposes of subdivision (b) of Section 4902.

38 (3) The number of tags issued in the preceding season, and the
39 number of mature Nelson bighorn rams taken under valid tags in
40 the preceding season.

(4) Any instance known to the department of the unlawful or unlicensed taking of a bighorn sheep in this state and the disposition of any prosecution therefor.

(5) The number of bighorn sheep relocated during the previous year, the area where reintroduced, a statement on the success of the reintroduction, and a brief description of any reintroduction planned for the following year.

(b) The report shall consist of a compilation of the results of the ongoing study conducted pursuant to this section each year since the enactment of this chapter and an assessment of the environmental impact of the hunting of Nelson bighorn sheep on the herds.

SEC. 103. Section 5020 of the Fish and Game Code is repealed.

SEC. 104. Section 5502 of the Fish and Game Code is repealed.

SEC. 105. Section 5514 of the Fish and Game Code is amended to read:

5514. (a) It is unlawful to kill or retain in possession any chinook, coho, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth, in inland waters.

(b) Any chinook, coho, or kokanee salmon or any steelhead hooked other than in its mouth in inland waters shall be released unharmed.

SEC. 106. Section 5650 of the Fish and Game Code is amended to read:

5650. (a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state or any storm drain any of the following:

(1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.

(2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind.

(3) Any sawdust, shavings, slabs, or edgings.

(4) Any factory refuse, lime, or slag.

(5) Any cocculus indicus.

(6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

(b) This section does not apply to a discharge or a release that is expressly authorized pursuant to , and in compliance with, the terms and conditions of a waste discharge requirement pursuant

1 to Section 13263 of the Water Code or a waiver issued pursuant
2 to subdivision (a) of Section 13269 of the Water Code issued by
3 the State Water Resources Control Board or a regional water
4 quality control board after a public hearing, or that is expressly
5 authorized pursuant to, and in compliance with, the terms
6 conditions of a federal permit for which the State Water Resources
7 Control Board or a regional water quality control board has, after
8 a public hearing, issued a water quality certification pursuant to
9 Section 13160 of the Water Code. This section does not confer
10 additional authority on the State Water Resources Control Board,
11 a regional water quality control board, or any other entity.

12 (c) It shall be an affirmative defense to a violation of this section
13 if the defendant proves, by a preponderance of the evidence, all
14 of the following:

15 (1) The defendant complied with all applicable state and federal
16 laws and regulations requiring that the discharge or release be
17 reported to a government agency.

18 (2) The substance or material did not enter the waters of the
19 state or a storm drain.

20 (3) The defendant took reasonable and appropriate measures to
21 effectively mitigate the discharge or release in a timely manner.

22 (d) The affirmative defense in subdivision (c) does not apply
23 and shall not be raised in an action for civil penalties or injunctive
24 relief pursuant to Section 5650.1.

25 (e) The affirmative defense in subdivision (c) does not apply
26 and shall not be raised by any defendant who has on two prior
27 occasions in the preceding five years, in any combination within
28 the same county in which the case is prosecuted, either pleaded
29 nolo contendere, been convicted of a violation of this section, or
30 suffered a judgment for a violation of this section or Section
31 5650.1. This subdivision shall apply only to cases filed on or after
32 January 1, 1997.

33 (f) The affirmative defense in subdivision (c) does not apply
34 and shall not be raised by the defendant in any case in which a
35 district attorney, city attorney, or Attorney General alleges, and
36 the court finds, that the defendant acted willfully.

37 SEC. 107. Section 5652 of the Fish and Game Code is amended
38 to read:

39 5652. (a) It is unlawful to deposit, permit to pass into, or place
40 where it can pass into the waters of the state, or to abandon, dispose

1 of, or throw away, within 150 feet of the high water mark of the
2 waters of the state, any cans, bottles, garbage, motor vehicle or
3 parts thereof, rubbish, litter, refuse, waste, debris, or the viscera
4 or carcass of any dead mammal, or the carcass of any dead bird.

5 (b) The abandonment of any motor vehicle in any manner that
6 violates this section shall constitute a rebuttable presumption
7 affecting the burden of producing evidence that the last registered
8 owner of record, not having complied with Section 5900 of the
9 Vehicle Code, is responsible for that abandonment and is thereby
10 liable for the cost of removal and disposition of the vehicle. This
11 section prohibits the placement of a vehicle body on privately
12 owned property along a streambank by the property owner or tenant
13 for the purpose of preventing erosion of the streambank.

14 (c) This section does not apply to a refuse disposal site that is
15 authorized by the appropriate local agency having jurisdiction or
16 to the depositing of those materials in a container from which the
17 materials are routinely removed to a legal point of disposal.

18 (d) This section shall be enforced by all law enforcement officers
19 of this state.

20 SEC. 108. Section 6301 of the Fish and Game Code is amended
21 to read:

22 6301. The department may enter at any time any vehicle,
23 container, warehouse, depot, ship, or growing area where any fish,
24 amphibians, or aquatic plants are held, transported, or stored, for
25 the purpose of making a regulatory inspection to ascertain whether
26 those fish, amphibians, or aquatic plants are infected, diseased, or
27 parasitized, or to determine if aquaculture products are being or
28 have been legally imported, transported, or possessed.

29 SEC. 109. Section 7145 of the Fish and Game Code is amended
30 to read:

31 7145. (a) Except as otherwise provided in this article, every
32 person 16 years of age or older who takes any fish, reptile, or
33 amphibian for any purpose other than profit shall first obtain a
34 valid license for that purpose and shall have that license on his or
35 her person or in his or her immediate possession or where otherwise
36 specifically required by law or regulation to be kept when engaged
37 in carrying out any activity authorized by the license. In the case
38 of a person diving from a boat, the license may be kept in the boat,
39 or in the case of a person diving from the shore, the license may
40 be kept within 500 yards on the shore.

(b) (1) This section does not apply to an owner of privately owned real property, or the owner's invitee, who, without providing compensation, takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and does not at any time derive water from, or supply water to, any permanent or intermittent artificial or natural lake, pond, stream, wash, canal, river, creek, waterway, aqueduct, or similar water conveyance system of the state. Access and control of the real property shall be under the direct authority of the owner and not that of another person or entity.

(2) This subdivision does not, and shall not be construed to, authorize the introduction, migration, stocking, or transfer of aquatic species, prohibited species, or any other nonnative or exotic species into state waters or waterways. This subdivision does not supersede or otherwise affect any provision of law that governs aquaculture, including, but not limited to, the operation of trout farms, or any activity that is an adjunct to or a feature of, or that is operated in conjunction with, any other enterprise operated for a fee, including, but not limited to, private parks or private recreation areas.

SEC. 110. Section 7147 of the Fish and Game Code is amended to read:

7147. The owner or operator of a boat or vessel licensed pursuant to Section 7920 shall not permit any person to fish from that boat or vessel unless that person has, in his or her possession, a valid California sport fishing license and any required stamp, *report card*, or validation issued pursuant to this code.

SEC. 111. Section 7149.2 of the Fish and Game Code is amended to read:

7149.2. (a) In addition to Sections 714, 7149, and 7149.05, the department shall issue a lifetime sport fishing license under this section. A lifetime sport fishing license authorizes the taking of fish, amphibians, or reptiles anywhere in this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime sport fishing license is not transferable. A lifetime sport fishing license does not include any special tags, stamps, or fees.

(b) A lifetime sport fishing license may be issued to residents of this state, as follows:

1 (1) To a person 62 years of age or over, upon payment of a base
2 fee of three hundred sixty-five dollars (\$365).

3 (2) To a person 40 years of age or over and less than 62 years
4 of age, upon payment of a base fee of five hundred forty dollars
5 (\$540).

6 (3) To a person 10 years of age or over and less than 40 years
7 of age upon payment of a base fee of six hundred dollars (\$600).

8 (4) To a person less than 10 years of age upon payment of a
9 base fee of three hundred sixty-five dollars (\$365).

10 (c) Nothing in this section requires a person less than 16 years
11 of age to obtain a license to take fish, amphibians, or reptiles for
12 purposes other than profit.

13 (d) Nothing in this section exempts a license applicant from
14 meeting other qualifications or requirements otherwise established
15 by law for the privilege of sport fishing.

16 (e) Upon payment of a base fee of two hundred forty-five dollars
17 (\$245), a person holding a lifetime sport fishing license or lifetime
18 sportsman's license shall be entitled annually to the privileges
19 afforded to a person holding a second-rod stamp or validation
20 issued pursuant to Section 7149.4 or 7149.45, a sport fishing ocean
21 enhancement stamp or validation issued pursuant to paragraph (1)
22 of subdivision (a) of Section 6596 or 6596.1, one steelhead trout
23 report restoration card issued pursuant to Section 7380, a Bay-Delta
24 sport fishing enhancement stamp or validation issued pursuant to
25 Section 7360 or 7360.1, and one salmon punchcard issued pursuant
26 to regulations adopted by the commission. Lifetime privileges
27 issued pursuant to this subdivision are not transferable.

28 (f) The base fees specified in this section are applicable
29 commencing January 1, 2004, and shall be adjusted annually
30 thereafter pursuant to Section 713.

31 SEC. 112. Section 7149.4 of the Fish and Game Code is
32 amended to read:

33 7149.4. (a) It is unlawful for any person to fish with two rods
34 without first obtaining a second-rod sport fishing stamp, in addition
35 to a valid California sport fishing license and any applicable stamp
36 issued pursuant to subdivision (a) of Section 7149, and having that
37 stamp affixed to his or her valid sport fishing license. Any person
38 who has a valid second-rod sport fishing stamp affixed to his or
39 her valid sport fishing license may fish with two rods in inland
40 waters in any sport fishery in which the regulations of the

1 commission provide for the taking of fish by angling, except those
2 waters in which only artificial lures or barbless hooks may be used.

3 (b) The department or an authorized license agent shall issue a
4 second-rod sport fishing stamp upon payment of a base fee of
5 seven dollars and fifty cents (\$7.50) during the 1995 calendar year
6 and subsequent years, as adjusted under Section 713.

7 (c) This section does not apply to licenses, permits, reservations,
8 tags, or other entitlements issued through the Automated License
9 Data System.

10 SEC. 113. Section 7149.45 of the Fish and Game Code is
11 amended to read:

12 7149.45. (a) It is unlawful for any person to fish with two rods
13 without first obtaining a second-rod sport fishing validation, in
14 addition to a valid California sport fishing license validation, and
15 having that validation affixed to his or her valid sport fishing
16 license. Any person who has a valid second-rod sport fishing
17 validation affixed to his or her valid sport fishing license may fish
18 with two rods in inland waters in any sport fishery in which the
19 regulations of the commission provide for the taking of fish by
20 angling, except those waters in which only artificial lures or
21 barbless hooks may be used.

22 (b) The department or an authorized license agent shall issue a
23 second-rod sport fishing validation upon payment of a base fee of
24 seven dollars and fifty cents (\$7.50) during the 1995 calendar year
25 and subsequent years, as adjusted under Section 713.

26 (c) This section applies only to licenses, permits, reservations,
27 tags, and other entitlements issued through the Automated License
28 Data System.

29 SEC. 114. Section 7153 of the Fish and Game Code is amended
30 to read:

31 7153. (a) A sport fishing license is not required to take fish
32 by any legal means, for any purpose other than profit, from a public
33 pier, as defined by the commission, in the ocean waters of the state,
34 or while angling at an aquaculture facility site that is registered
35 pursuant to Section 235 of Title 14 of the California Code of
36 Regulations.

37 (b) For purposes of this section, "ocean waters" include, but are
38 not limited to, the open waters adjacent to the ocean and any island;
39 the waters of any open or enclosed bay contiguous to the ocean;
40 the San Francisco and San Pablo Bays, with any tidal bay belonging

1 thereto; and any slough or estuary, if found between the Golden
2 Gate Bridge and the Benicia-Martinez Bridge.

3 SEC. 115. Section 7180 of the Fish and Game Code is amended
4 to read:

5 7180. (a) Any person taking fish or amphibians for purposes
6 other than profit from or on a boat or other floating device on the
7 waters of the Colorado River and on adjacent waters, except canals,
8 drains, or ditches used to transport water used for irrigation or
9 domestic purposes, shall have in his or her possession a valid
10 sportfishing license issued by either the State of Arizona or State
11 of California.

12 (b) In addition to either of the licenses, a person taking fish or
13 amphibians as indicated shall have in his or her possession a valid
14 Colorado River special use stamp permanently affixed to his or
15 her valid sportfishing license. If he or she is a person having in his
16 or her possession a valid California sportfishing license he or she
17 shall have an Arizona special use stamp to fish legally the waters
18 described above. If he or she is a person having in his or her
19 possession a valid Arizona sportfishing license, he or she shall
20 have a California special use stamp to fish legally the waters
21 described above.

22 (c) A special use stamp, when accompanied by the proper
23 license, permits fishing in any portion of those waters, and permit
24 fishermen to enter the waters from any point.

25 The fee for a Colorado River special use stamp is three dollars
26 (\$3).

27 (d) This section does not apply to licenses, permits, reservations,
28 tags, or other entitlements issued through the Automated License
29 Data System.

30 SEC. 116. Section 7852.27 of the Fish and Game Code is
31 amended to read:

32 7852.27. At all times when engaged in any activity described
33 in Section 7850 or Article 7 (commencing with Section 8030) for
34 which a commercial fishing license is required, the licensee shall
35 have in his or her possession, or immediately available to the
36 licensee, a valid driver's license or identification card issued to
37 him or her by the Department of Motor Vehicles or by the entity
38 issuing driver's licenses from the licensee's state of domicile. A
39 current passport may be used in lieu of a valid driver's license or
40 identification card by a holder of a valid nonresident commercial

1 fishing license issued pursuant to subdivision (b) of Section 7852.
2 The licensee's driver's license, identification card or, if applicable,
3 passport shall be exhibited upon demand to any person authorized
4 by the department to enforce this code or regulations adopted
5 pursuant thereto.

6 SEC. 117. Section 8022 of the Fish and Game Code is amended
7 to read:

8 8022. (a) The receipts, reports, or other records filed with the
9 department pursuant to Article 2 (commencing with Section 7700)
10 to Article 7.5 (commencing with Section 8040), inclusive, and the
11 information contained therein, shall, except as otherwise provided
12 in this section, be confidential, and the records shall not be public
13 records. Insofar as possible, the information contained in the
14 records shall be compiled or published as summaries, so as not to
15 disclose the individual record or business of any person.

16 (b) Notwithstanding any other provision of law, the department
17 may release the confidential information described in subdivision
18 (a) to any federal agency responsible for fishery management
19 activities, provided the information is used solely for the purposes
20 of enforcing fishery management provisions and provided the
21 information will otherwise remain confidential. The department
22 may also release this information in accordance with Section 391
23 or pursuant to a court order, to a public or private postsecondary
24 institution engaged in research under the terms of a legally binding
25 confidentiality agreement, or under other conditions as the
26 commission by regulation may provide.

27 (c) All forms, logs, books, covers, documents, electronic data,
28 software, and other records of any kind issued or otherwise
29 supplied, directly or indirectly, by the department, the purpose of
30 which is to provide a means for reports, records, or other
31 information to be filed with the department pursuant to Article 2
32 (commencing with Section 7700) to Article 7.5 (commencing with
33 Section 8040), inclusive, continue to be the property of the
34 department. Those forms, logs, books, covers, documents,
35 electronic data, software, other records, or portions thereof remain
36 the property of the department whether used, unused, attached, or
37 detached from their original binding, packaging, or other medium
38 and shall be immediately surrendered upon demand to a peace
39 officer of the department acting in his or her official capacity,
40 without being altered in any manner.

1 SEC. 118. Section 8030 of the Fish and Game Code is amended
2 to read:

3 8030. Any person who engages in any business for profit
4 involving fish shall be licensed pursuant to this article, except as
5 follows:

6 (a) A commercial fisherman who sells fish only to persons
7 licensed under this article to purchase or receive fish from
8 commercial fishermen and who does not engage in any activity
9 described in Section 8034, 8035, or 8036 unless licensed to engage
10 in both activities.

11 (b) A person licensed pursuant to Section 8460 who only takes,
12 transports, or sells live freshwater fish for bait.

13 (c) A person who sells fish or aquaculture products only at retail
14 to the ultimate consumer if that person does not conduct any
15 activities described in Section 8033, 8035, or 8036.

16 (d) Pursuant to Division 12 (commencing with Section 15000),
17 a person who deals only in products of aquaculture.

18 (e) A person who deals only with nonnative live products that
19 are not utilized for human consumption but that are utilized solely
20 for pet industry or hobby purposes and who does not engage in
21 the activities described in Section 8033.1.

22 (f) A person who is employed by the fish receiver to unload fish
23 or fish products from a commercial fishing boat at a dock.

24 (g) A person who purchases, sells, takes, or receives live marine
25 fish for use as live bait, that are not brought ashore, and who does
26 not engage in any activity described in Section 8033, 8033.1, 8034,
27 8035, or 8036.

28 (h) A person who does not purchase or obtain fish, but who acts
29 as an agent for others while negotiating purchases, or sales of fish
30 in return for a fee, commission, or other compensation.

31 *SEC. 118.5. Section 8051.4 of the Fish and Game Code is*
32 *amended to read:*

33 8051.4. (a) The landing tax collected pursuant to *former*
34 Section 8051.3 shall be deposited in the Fish and Game
35 Preservation Fund and shall be used only for the Abalone
36 Resources Restoration and Enhancement Program. The department
37 shall maintain internal accounts necessary to ensure that the funds
38 are disbursed for the purposes in this subdivision. No more of the
39 landing tax collected pursuant to *former* Section 8051.3 than an
40 amount equal to the regularly approved department indirect

1 overhead rate may be used for administration by the department.
2 Any interest on the revenues from the landing tax collected
3 pursuant to *former* Section 8051.3 shall be deposited in the fund
4 and used for the purposes in this subdivision.

5 (b) A Commercial Abalone Advisory Committee shall be
6 appointed by the director, consisting of six members who shall
7 serve without compensation or reimbursement of expenses. One
8 of the members shall be a person who was required to pay landing
9 taxes pursuant to Section 8051.3 during the 1996–97 permit year.
10 Each of the five remaining members shall have held a commercial
11 abalone diving permit during the 1996–97 permit year, and
12 represent the following groups and organizations:

13 (1) One member shall be selected from divers with a place of
14 residence north of Point Sur.

15 (2) One member shall be selected from divers with a place of
16 residence south of Point Dume.

17 (3) One member shall be selected from divers with a place of
18 residence south of Point Sur and north of Point Dume.

19 (4) Two members shall be selected from the membership of the
20 California Abalone Association without regard to place of
21 residence. This subdivision does not prohibit persons selected
22 pursuant to paragraph (1), (2), or (3) from also being members of
23 the California Abalone Association.

24 (c) The advisory committee shall make recommendations to the
25 director and the director shall use his or her best efforts to
26 implement those recommendations for activities to be conducted
27 with funds collected pursuant to Section 8051.3, and those funds
28 collected from any previous calendar year shall be available for
29 use for those activities.

30 (d) This section shall remain in effect only until January 1, ~~2008~~
31 ~~2013~~, and as of that date is repealed, unless a later enacted statute
32 that is enacted before January 1, ~~2008~~ ~~2013~~, deletes or extends
33 that date.

34 SEC. 119. Section 8250.5 of the Fish and Game Code is
35 amended to read:

36 8250.5. (a) Subject to this article and Article 1 (commencing
37 with Section 9000) of Chapter 4, a lobster trap, as described in
38 Section 9010, may be used to take lobster for commercial purposes
39 under a lobster permit issued pursuant to Section 8254.

(b) The following species may be taken incidentally in lobster traps being fished under the authority of a lobster permit issued pursuant to Section 8254, and any other species taken incidentally shall be immediately released back to the water:

(1) Crab, other than Dungeness crab.

(2) Kellet's whelk.

(3) Octopus.

(c) Spiny lobsters taken in the manner commonly known as skindiving or by a person using self-contained underwater breathing apparatus shall not be sold.

SEC. 120. Section 8284 of the Fish and Game Code is amended to read:

8284. (a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Any other species taken incidentally in a crab trap being used to take rock crab, except as provided in subdivision (c), shall be immediately released back to the water.

(c) The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in Districts 19 and 118.5:

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs, other than the genus *Cancer*.

SEC. 121. Section 8372 of the Fish and Game Code is amended to read:

8372. Kelp bass, sand bass, or spotted bass, all of the genus *Paralabrax*, shall not be sold or purchased, or possessed in any place where fish are purchased, possessed for sale, or sold, or where food is offered or processed for sale, or in any truck, vessel, or other conveyance operated by or for a place so selling or possessing fish; except that those fish may be imported into this state pursuant to Article 1 (commencing with Section 2345) of Chapter 4 of Division 3, and may be sold under regulations as the commission may adopt. It is unlawful to take, possess, or sell any fish less than 10½ inches in length of the species specified in this section.

1 ~~SEC. 122. Section 8383 of the Fish and Game Code is amended~~
2 ~~to read:~~

3 ~~8383. South of a line extending due west (true) from Point~~
4 ~~Conception, white sea bass shall not be taken for commercial~~
5 ~~purposes from March 15th to June 15th, inclusive. Any fish so~~
6 ~~taken shall not be transferred to any other vessel.~~

7 ~~SEC. 122. Section 8383 of the Fish and Game Code is repealed.~~

8 ~~8383. White sea bass may not be taken for commercial purposes~~
9 ~~between March 15th and June 15th, inclusive, between the United~~
10 ~~States-Mexico International Boundary and a line extending due~~
11 ~~west (true) from Point Conception. Any fish so taken shall not be~~
12 ~~transferred to any other vessel.~~

13 ~~The restrictions in this section shall not apply to white sea bass~~
14 ~~taken in waters lying south of the International Boundary Line~~
15 ~~between the United States and Mexico extended westerly into the~~
16 ~~Pacific Ocean. A current fishing permit issued by the Mexican~~
17 ~~Government is evidence that white sea bass were taken south of~~
18 ~~the international boundary.~~

19 ~~SEC. 123. Section 8573 of the Fish and Game Code is amended~~
20 ~~to read:~~

21 ~~8573. Drift gill nets may be used to take shark and swordfish~~
22 ~~under the permit provided in this article, subject to Section 8610.3~~
23 ~~and all of the following restrictions:~~

24 ~~(a) From June 1 to November 15, inclusive, shark or swordfish~~
25 ~~gill nets shall not be in the water from two hours after sunrise to~~
26 ~~two hours before sunset east of a line described as follows:~~

27 ~~From a point beginning at Las Pitas Point to San Pedro Point on~~
28 ~~Santa Cruz Island, thence to Gull Island Light, thence to the~~
29 ~~northeast extremity of San Nicolas Island, thence along the high~~
30 ~~water mark on the west side of San Nicolas Island to the southeast~~
31 ~~extremity of San Nicolas Island, thence to the northwest extremity~~
32 ~~of San Clemente Island, thence along the high water mark on the~~
33 ~~west side of San Clemente Island to the southeast extremity of San~~
34 ~~Clemente Island, thence along a line running 150° true from the~~
35 ~~southeast extremity of San Clemente Island to the westerly~~
36 ~~extension of the boundary line between the Republic of Mexico~~
37 ~~and San Diego County.~~

38 ~~(b) (1) The total maximum length of a shark or swordfish gill~~
39 ~~net on the net reel on a vessel, on the deck of the vessel, and in the~~
40 ~~water at any time shall not exceed 6,000 feet in float line length.~~

1 The float line length shall be determined by measuring the float
2 line, as tied, of all the net panels, combined with any other netted
3 lines. The existence of holes, tears, or gaps in the net shall have
4 no bearing on the measurement of the float line. The float line of
5 any net panels with holes, tears, or gaps shall be included in the
6 total float line measurement.

7 (2) Any shark or swordfish gill net on the reel shall have the
8 float lines of the adjacent panels tied together, the lead lines of the
9 adjacent panels tied together, and the web of the adjacent panels
10 laced together. No quick disconnect device may be used unless
11 the total maximum length of all shark and swordfish gill nets,
12 including all spare gill nets or net panels on the vessel and all gill
13 nets or net panels on the net reels on the vessel, on the deck of the
14 vessel, stored aboard the vessel, and in the water, does not exceed
15 6,000 feet in float line length as determined under paragraph (1).

16 (3) Spare shark or swordfish gill net aboard the vessel shall not
17 exceed 250 fathoms (1,500 feet) in total length, and the spare net
18 shall be in separated panels of not to exceed 100 fathoms (600
19 feet) in float line length for each panel, with the float lines and
20 leadlines attached to each panel separately gathered and tied, and
21 the spare net panels stowed in lockers, wells, or other storage space.

22 (4) If a torn panel is replaced in a working shark or swordfish
23 gill net, the torn panel shall be removed from the working net
24 before the replacement panel is attached to the working net.

25 (c) Any end of a shark or swordfish gill net not attached to the
26 permittee's vessel shall be marked by a pole with a radar reflector.
27 The reflector shall be at least six feet above the surface of the ocean
28 and not less than 10 inches in any dimension except thickness. The
29 permittee's permit number shall be permanently affixed to at least
30 one buoy or float that is attached to the radar reflector staff. The
31 permit number shall be at least one and one-half inches in height
32 and all markings shall be at least one-quarter inch in width.

33 (d) For the purposes of this article, "shark or swordfish gill net"
34 means a drift gill net of 14-inch or greater mesh size.

35 SEC. 124. Section 8576 of the Fish and Game Code is amended
36 to read:

37 8576. (a) Drift gill nets shall not be used to take shark or
38 swordfish from February 1 to April 30, inclusive.

39 (b) Drift gill nets shall not be used to take shark or swordfish
40 in ocean waters within 75 nautical miles from the mainland

1 coastline between the westerly extension of the California-Oregon
2 boundary line and the westerly extension of the United
3 States-Republic of Mexico boundary line from May 1 to August
4 14, inclusive.

5 (c) Subdivisions (a) and (b) apply to any drift gill net used
6 pursuant to a permit issued under Section 8561 or 8681, except
7 that drift gill nets with a mesh size smaller than eight inches in
8 stretched mesh and twine size number 18, or the equivalent of this
9 twine size, or smaller, used pursuant to a permit issued under
10 Section 8681, may be used to take species of sharks other than
11 thresher shark, shortfin mako shark, and white shark during the
12 periods specified in subdivisions (a) and (b). However, during the
13 periods of time specified in subdivisions (a) and (b), not more than
14 two thresher sharks and two shortfin mako sharks may be possessed
15 and sold if taken incidentally in drift gill nets while fishing for
16 barracuda or white seabass and if at least 10 barracuda or five
17 white seabass are possessed and landed at the same time as the
18 incidentally taken thresher or shortfin mako shark. No thresher
19 shark or shortfin mako shark taken pursuant to this subdivision
20 shall be transferred to another vessel before landing the fish. Any
21 vessel possessing thresher or shortfin mako sharks pursuant to this
22 section shall not have any gill or trammel net aboard that is
23 constructed with a mesh size greater than eight inches in stretched
24 mesh and twine size greater than number 18, or the equivalent of
25 a twine size greater than number 18.

26 (d) Notwithstanding the closure from May 1 to August 14,
27 inclusive, provided by subdivision (b), a permittee may land
28 swordfish or thresher shark taken in ocean waters more than 75
29 nautical miles from the mainland coastline in that period if, for
30 each landing during that closed period, the permittee signs a written
31 declaration under penalty of perjury that the fish landed were taken
32 more than 75 nautical miles from the mainland coastline. The
33 declaration shall be completed and signed before arrival at any
34 port in this state. Within 72 hours of the time of arrival, the
35 permittee shall deliver the declaration to the department.

36 (e) If any person is convicted of falsely swearing a declaration
37 under subdivision (d), in addition to any other penalty prescribed
38 by law, the following penalties shall be imposed:

(1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162.

(2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157.

(f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

SEC. 125. Section 8597 of the Fish and Game Code is amended to read:

8597. (a) It is unlawful for any person to take, possess aboard a boat, or land for marine aquaria pet trade purposes any live organisms identified in subdivision (b), unless that person has a valid marine aquaria collector's permit that has not been suspended or revoked. At least one person aboard the boat shall have a valid marine aquaria collector permit.

(b) Except as provided in Section 8598.2, and unless otherwise prohibited in this code, or regulations made pursuant thereto, specimens of the following groups or species may be taken, possessed aboard a boat, or landed under a marine aquaria collector's permit:

(1) Marine plants:

(A) Chlorophyta.

(B) Phaeophyta.

(C) Rhodophyta.

(D) Spermatophyta, all species.

(2) Invertebrates:

(A) Polychaeta—worms; all species.

(B) Crustacea—shrimp, crabs; all species, except the following:

(i) Dungeness crab—*Cancer magister*.

(ii) Yellow crab—*Cancer anthonyi*.

(iii) Red crab—*Cancer productus*.

(iv) Sheep crab—*Loxorhynchus grandis*.

(v) Spot prawn—*Pandalus platyceros*.

(vi) Ridgeback prawn—*Sicyonia ingentis*.

(vii) Golden prawn—*Penaeus californiensis*.

(viii) Sand crab—*Emerita analoga*.

(ix) Redrock shrimp—*Lysmata californica*.

(x) Bay shrimp—*Crangon* sp. and *Palaemon macrodactylus*.

(xi) Ghost shrimp—*Callinassa* sp.

- 1 (C) Asteroidea—Sea stars; all species.
- 2 (D) Ophiuroidea—Brittle stars; all species.
- 3 (E) Gastropoda—snails, limpets, sea slugs; all species, except
- 4 Kellet's whelk—*Kelletia kelletii*.
- 5 (F) Bivalvia—clams and mussels; all species.
- 6 (G) Polyplacophora—Chitons; all species.
- 7 (H) Cephalopoda—Octopuses and squids; all species, except
- 8 two spot octopuses—*Octopus bimaculatus* and *Octopus*
- 9 *maculoides*—and market squid—*Loligo opalescens*.
- 10 (I) Tunicata—Sea squirts; all species.
- 11 (3) Vertebrates:
- 12 (A) Osteichthyes—Finfishes; all species, except the following:
- 13 (i) Rockfish—*Sebastes* sp. larger than six inches total length.
- 14 (ii) Sheephead—*Semicossyphus pulcher* larger than six inches
- 15 total length.
- 16 (iii) Anchovy—*Engraulis mordax*.
- 17 (iv) Sardine—*Sardinops sagax*.
- 18 (v) Pacific/chub mackerel—*Scomber japonicus*.
- 19 (vi) Jack mackerel—*Trachurus symmetricus*.
- 20 (vii) Queenfish—*Seriphus politus*.
- 21 (viii) White Croaker—*Genyonemus lineatus*.
- 22 (ix) Top smelt—*Atherinops affinis*.
- 23 (x) Grunion—*Leuresthes tenuis*.
- 24 (xi) Shiner surf perch—*Cymatogaster aggregata*.
- 25 (xii) Longjawed mudsucker—*Gillichthys mirabilis*.
- 26 (B) Chondrichthyes—sharks, rays, and skates; all species less
- 27 than 18 inches total length, except that leopard shark (*Triakis*
- 28 *semifasciata*) shall be 36 inches or larger in total length.
- 29 (c) The holder of a permit issued pursuant to this section is not
- 30 required to obtain or possess a kelp harvester's license issued
- 31 pursuant to Section 6651, a tidal invertebrate permit issued pursuant
- 32 to Section 8500, or a general trap permit issued pursuant to Article
- 33 1 (commencing with Section 9000) of Chapter 4, when taking,
- 34 possessing, or landing live organisms for marine aquaria pet trade
- 35 purposes pursuant to subdivision (b), subject to regulations
- 36 governing the taking of tidal invertebrates. The commission shall
- 37 adopt regulations to implement this subdivision, and, for that
- 38 purpose, may incorporate other regulations by reference.
- 39 SEC. 126. Section 8598 of the Fish and Game Code is amended
- 40 to read:

- 1 8598. (a) Notwithstanding Section 8140 or subdivision (b) of
2 Section 8597, specimens of the following groups or species shall
3 not be taken, possessed aboard a boat, or landed for commercial
4 purposes. Taking, possessing or landing of any of the following
5 species in a commercial operation is prima facie evidence that it
6 was taken, possessed, or landed for commercial purposes:
- 7 (1) Invertebrates:
- 8 (A) Phylum Porifera—all sponges.
- 9 (B) Genus *Pelagia* sp.—jellyfish.
- 10 (C) Coelenterata—corals, anemones; all species.
- 11 (D) Order Gorgonacea—all gorgonians.
- 12 (E) Order Pennatulacea—all species, except *Renilla kollikeri*.
- 13 (F) Feather-duster worm—*Eudistylia polymorpha*.
- 14 (G) Fiddler crab—*Uca crenulata*.
- 15 (H) Umbrella crab—*Cryptolithodes sitchensis*.
- 16 (I) Stalked or goose barnacles—*Pollicipes* sp.
- 17 (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguilula*.
- 18 (K) Owl limpet—*Lottia gigantea*.
- 19 (L) Coffee bean shells—*Trivia* sp.
- 20 (M) Three-winged murex—*Pteropurpura trialata*.
- 21 (N) Vidler's simnia—*Simnia vidleri*.
- 22 (O) Queen tegula—*Tegula regina*.
- 23 (P) Opisthobranchia (including nudibranchs)—all subclass
24 Opisthobranchia species except:
- 25 (i) Sea hares—*Aplysia californica* and *Aplysia vaccaria*.
- 26 (ii) *Hermisenda crassicornis*.
- 27 (iii) Lion's mouth—*Melibe leonina*.
- 28 (iv) *Aeolidia papillosa*.
- 29 (v) Spanish shawl—*Flabellina iodinea*.
- 30 (2) Vertebrates:
- 31 (A) All shark and ray eggcases.
- 32 (B) Brown smoothhound sharks—*Mustelus hinlei*—that are
33 less than 18 inches in a whole condition or dressed with head and
34 tail removed.
- 35 (C) Family Agonidae—all poachers.
- 36 (D) Wolf-eel—*Anarrhichthys ocellatus*.
- 37 (E) Juvenile sheephead—*Semicossyphus pulcher* (under 6
38 inches).
- 39 (F) Garibaldi—*Hypsypops rubicundus*.
- 40 (3) Live rocks.

1 (A) Rocks with living organisms attached, commonly called
2 “live rocks,” shall not be taken or possessed except as provided in
3 subparagraph (C).

4 (B) Rocks shall not be broken to take marine aquaria species,
5 and any rock displaced to access any of those species shall be
6 returned to its original position.

7 (C) Rocks cultured under the authority of an aquaculture
8 registration may be possessed.

9 (b) No organisms may be taken, possessed, or landed for marine
10 aquaria pet trade purposes under the terms of a marine aquaria
11 collector’s permit in any of the following areas:

12 (1) On the north side of Santa Catalina Island from a line
13 extending three nautical miles 90 degrees true from Church Rock
14 to a line extending three nautical miles 270 degrees true from the
15 extreme west end of the island.

16 (2) On the south or “back” side of Santa Catalina Island from
17 a line extending three nautical miles 90 degrees true from Church
18 Rock to a line extending three nautical miles 270 degrees true from
19 the extreme west end of the island.

20 (3) Marine life refuges, marine reserves, ecological reserves,
21 and state reserves.

22 SEC. 127. Section 8632 of the Fish and Game Code is amended
23 to read:

24 8632. Within three days after the department has been notified
25 in writing that a vessel carrying a seized net has arrived in port,
26 the department may remove the net from the vessel, unless the
27 owner has furnished a bond in accordance with Section 8633. The
28 notice shall be sufficient when delivered to the office of the
29 department nearest to the port at which the vessel has arrived.

30 SEC. 128. Section 8681 of the Fish and Game Code is amended
31 to read:

32 8681. (a) Gill nets or trammel nets shall not be used for
33 commercial purposes except under a revocable, nontransferable
34 permit issued by the department. Each permittee shall keep an
35 accurate record of his or her fishing operations in a logbook
36 furnished by the department. The commission may suspend,
37 revoke, or cancel a permit, license, and commercial fishing
38 privileges pursuant to Section 7857. A permit may be revoked and
39 canceled for a period not to exceed one year from the date of
40 revocation.

(b) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

SEC. 129. Section 10500 of the Fish and Game Code is amended to read:

10500. Except under a permit or specific authorization, it is unlawful to do any of the following:

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, air rifle, crossbow, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or air rifle or to release any arrow or crossbow bolt into any game refuge.

(c) To take or possess any species of fish or amphibian, or part thereof, in any fish refuge, or to use or have in possession in that refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm or air rifle, or to release any arrow or crossbow bolt within or into, any waterfowl refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.

(g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

SEC. 130. Section 10506 of the Fish and Game Code is amended to read:

10506. Nothing in this code prohibits the possession of firearms, air rifles, crossbows and bolts, or bows and arrows by persons when traveling through any game refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung or stored separately from any arrow or bolt. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least 24 hours before that traveling. The notice shall give the name and address of the person intending to travel through the refuge, the name of the refuge, the approximate route, and the approximate time when that person intends to travel through the refuge.

1 SEC. 131. Section 11032 of the Fish and Game Code is
2 amended to read:

3 11032. The following constitutes Fish and Game District 21:
4 The waters and tidelands to high water mark of San Diego Bay
5 lying inside of a straight line drawn from the southernly extremity
6 of Point Loma to the offshore end of the San Diego breakwater.

7 SEC. 132. Section 12000 of the Fish and Game Code is
8 amended to read:

9 12000. (a) Except as expressly provided otherwise in this code,
10 any violation of this code, or of any rule, regulation, or order made
11 or adopted under this code, is a misdemeanor.

12 (b) Notwithstanding subdivision (a), any person who violates
13 any of the following statutes or regulations is guilty of an infraction
14 punishable by a fine of not less than one hundred dollars (\$100)
15 or more than one thousand dollars (\$1,000), or of a misdemeanor:

- 16 (1) Subdivision (a) of Section 6596.
- 17 (2) Section 7149.8.
- 18 (3) Section 7360.
- 19 (4) Sections 1.14, 1.17, 1.18, 1.62, 1.63, and 1.74 of Title 14 of
20 the California Code of Regulations.
- 21 (5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive,
22 of Title 14 of the California Code of Regulations.
- 23 (6) Sections 27.56 to 30.10, inclusive, of Title 14 of the
24 California Code of Regulations.
- 25 (7) Sections 40 to 43, inclusive, of Title 14 of the California
26 Code of Regulations.
- 27 (8) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of
28 the California Code of Regulations.
- 29 (9) Sections 505, 507 to 510, inclusive, and 550 to 553,
30 inclusive, of Title 14 of the California Code of Regulations.
- 31 (10) Sections 630 to 630.5, inclusive, of Title 14 of the
32 California Code of Regulations.

33 SEC. 133. Section 12001.5 of the Fish and Game Code is
34 amended to read:

35 12001.5. (a) In addition to any other penalty or fine imposed
36 pursuant to this code, if a person has been convicted of one or
37 more offenses that was a violation of a section listed in subdivision
38 (b) separate from the offense before the court, the court may order
39 as a condition of probation upon conviction of the offense before
40 the court that is also a violation of a section listed in subdivision

(b), that the person attend the hunter education course designated in Section 3051 and perform community service, preferably relating to natural resources if that type of community service is available, as follows:

(1) If the person has one separate conviction, not more than 200 hours of community service.

(2) If the person has two or more separate convictions, not more than 300 hours of community service.

(b) This section applies to violations relating to a taking in Sections 3007, 3700, 4330, and 4750, and a sale or purchase of parts of a bear in Section 4758.

SEC. 134. Section 12002 of the Fish and Game Code is amended to read:

12002. (a) Unless otherwise provided, the punishment for a violation of this code that is a misdemeanor is a fine of not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both the fine and imprisonment.

(b) The punishment for a violation of any of the following provisions is a fine of not more than two thousand dollars (\$2,000), imprisonment in the county jail for not more than one year, or both the fine and imprisonment:

(1) Section 1059.

(2) Subdivision (d) of Section 4004.

(3) Section 4600.

(4) Paragraph (1) or (2) of subdivision (a) of Section 5650.

(5) A first violation of Section 8670.

(6) Section 10500.

(7) Unless a greater punishment is otherwise provided, a violation subject to subdivision (a) of Section 12003.1.

(c) Except as specified in Sections 12001 and 12010, the punishment for violation of Section 3503, 3503.5, 3513, or 3800 is a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than six months, or both that fine and that imprisonment.

(d) (1) A license, tag, stamp, reservation, permit, or other entitlement or privilege issued pursuant to this code to a defendant who fails to appear at a court hearing for a violation of this code, or who fails to pay a fine imposed pursuant to this code, shall be

1 immediately suspended or revoked. The license, tag, stamp,
2 reservation, permit, or other entitlement or privilege shall not be
3 reinstated or renewed, and no other license, tag, stamp, reservation,
4 permit, or other entitlement or privilege shall be issued to that
5 person pursuant to this code, until the court proceeding is
6 completed or the fine is paid.

7 (2) This subdivision does not apply to any violation of Section
8 1052, 1059, 1170, 5650, 5653.9, 6454, 6650, or 6653.5.

9 SEC. 135. Section 12002.1 of the Fish and Game Code is
10 amended to read:

11 12002.1. (a) Notwithstanding Section 12002, the punishment
12 for taking a mammal or bird for which a hunting license issued
13 pursuant to Section 3031 is required or a tag, seal, or stamp is
14 required, including a deer tag issued pursuant to Section 3407,
15 without having in one's possession the required, valid license, or
16 without having in one's possession any required tag, seal, or stamp,
17 or when the taking of that mammal or bird is prohibited by
18 allowable season, limit, time, or area, is punishable by a fine of
19 not less than two hundred fifty dollars (\$250) or more than two
20 thousand dollars (\$2,000), or imprisonment in the county jail for
21 not more than one year, or both that fine and imprisonment, or by
22 any greater punishment prescribed by this code.

23 (b) If a person is convicted of an offense described in
24 subdivision (a) and produces in court a license, tag, or stamp,
25 issued to the person and valid at the time of the person's arrest and
26 if the taking was otherwise lawful with respect to season, limit,
27 time, and area, the court may reduce the fine imposed for the
28 violation to fifty dollars (\$50).

29 SEC. 136. Section 12002.11 is added to the Fish and Game
30 Code, to read:

31 12002.11. Upon the second conviction of any person of a
32 violation of Section 3087 or any regulation adopted pursuant
33 thereto, in any five-year period, and upon any conviction
34 subsequent to the two convictions during a five-year period, it
35 shall be unlawful for that person to conduct any of the activities
36 described in paragraph (1) of subdivision (a) of Section 3087 for
37 three years from the date of the last conviction.

38 SEC. 137. Section 12002.2.1 is added to the Fish and Game
39 Code, to read:

1 12002.2.1. (a) Notwithstanding any other provision of law, a
2 violation of any of the following is an infraction, punishable by a
3 fine of not less than fifty dollars (\$50) or more than two hundred
4 fifty dollars (\$250) for a first offense:

- 5 (1) Subdivision (a) of Section 6596.
- 6 (2) Subdivision (a) of Section 6596.1.
- 7 (3) Subdivision (a) of Section 7149.4.
- 8 (4) Subdivision (a) of Section 7149.45.
- 9 (5) Subdivision (b) of Section 7180.
- 10 (6) Subdivision (b) of Section 7180.1.
- 11 (7) Subdivision (a) of Section 7360.
- 12 (8) Section 1.18 of Title 14 of the California Code of
13 Regulations.

14 (b) If a person is convicted of a violation of any of the sections
15 listed in subdivision (a) within five years of a separate offense
16 resulting in a conviction of a violation of any of those sections,
17 that person shall be punished by a fine of not less than one hundred
18 dollars (\$100) or more than five hundred dollars (\$500).

19 (c) If a person convicted of a violation of any of the sections
20 listed in subdivision (a) produces in court the applicable sport
21 fishing ocean enhancement stamp, sport fishing ocean enhancement
22 validation, second rod sport fishing stamp, second rod sport fishing
23 validation, Colorado River special use stamp, Colorado River
24 special use validation, Bay-Delta Sport Fishing Enhancement
25 Stamp or Bay-Delta Sport Fishing Enhancement validation issued
26 pursuant to this code and valid at the time of the person's arrest,
27 and if the taking was otherwise lawful with respect to season, limit,
28 time, and area, the court may reduce the fine imposed for the
29 violation to twenty-five dollars (\$25).

30 SEC. 138. Section 12013 of the Fish and Game Code is
31 amended to read:

32 12013. (a) In addition to any other penalty prescribed by law,
33 any person convicted of a violation punishable under subdivision
34 (a) of Section 12012 relating to wildlife, except fish, is prohibited
35 from thereafter taking wildlife, except fish, in this state for a period
36 of not less than one year from the date of conviction. In
37 determining the length of the prohibition imposed pursuant to this
38 subdivision, the court shall take into consideration the gravity of
39 the offense for which the person was convicted, including, but not
40 limited to, whether the species was illegally taken for commercial

1 purposes, the magnitude of the offense, damage to the species as
2 a resource in the geographic area where taken, previous convictions
3 for violations of this code, and the motivation of the person
4 convicted. Any license, permit, tag, stamp, or other entitlement to
5 take or possess wildlife, except fish, for any purpose other than
6 for commercial purposes that has previously been issued to that
7 person shall be immediately revoked by the court and that person,
8 during the period of the prohibition, shall not apply for a license,
9 permit, tag, stamp, or other entitlement to take or possess wildlife,
10 except fish, for any purpose other than for commercial purposes.

11 (b) In addition to any other penalty prescribed by law, any
12 person convicted of a violation punishable under subdivision (a)
13 of Section 12012 relating to fish is prohibited from thereafter taking
14 or possessing fish in this state for a period of not less than one year
15 from the date of conviction. In determining the length of the
16 prohibition imposed pursuant to this subdivision, the court shall
17 take into consideration the gravity of the offense for which the
18 person was convicted, including, but not limited to, such factors
19 as whether the species was illegally taken for commercial purposes,
20 the magnitude of the offense, damage to the species as a resource
21 in the geographic area where taken, previous convictions for
22 violations of this code, and the motivation of the person convicted.
23 Any license, permit, tag, stamp, or other entitlement to take or
24 possess fish for any purpose other than for commercial purposes
25 that has previously been issued to that person shall be immediately
26 revoked and that person, during the period of the prohibition, shall
27 not apply for a license, permit, tag, stamp, or other entitlement to
28 take or possess fish for any purpose other than for commercial
29 purposes.

30 (c) As used in this section, “commercial purposes” means for
31 profit or personal gain, “fish” means fish as defined by Section
32 45, and “wildlife” means wildlife as defined by Section 711.2.

33 (d) This section does not apply to any person who is licensed
34 to take any fish or wildlife for commercial purposes and does not
35 supersede or otherwise affect any other provision of this code or
36 regulations adopted pursuant to this code relating to issuing,
37 suspending, or revoking licenses or other entitlements to take,
38 possess, buy, or sell wildlife or fish for commercial purposes.

39 SEC. 139. Section 12157.5 of the Fish and Game Code is
40 repealed.

1 SEC. 140. Section 12157.5 is added to the Fish and Game
2 Code, to read:

3 12157.5. (a) The judge or commissioner before whom any
4 person is either convicted, forfeits bail, pleads guilty or pleads
5 nolo contendere to violations listed in subdivision (b) may, in his
6 or her discretion, order the forfeiture of any boat, canoe, raft, or
7 other watercraft, aircraft, snowmobile, motorized vehicle, or any
8 other type of motorized conveyance used in committing one or
9 more of the offenses charged.

10 (b) Section 1602, 2080, 2118, 2124, 2346, 2350, 3003.5, 3005,
11 3039, 3501, 3503.5, 3504, 3511, 4004, 4005, 4030, 4301, 4600,
12 4700, 4758, or 5000. This subdivision also includes violations of
13 Section 2005, if the violation involves the taking of big game,
14 mountain lion, fully protected species, or threatened or endangered
15 species.

16 SEC. 141. No reimbursement is required by this act pursuant
17 to Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.